



A  
COMPANION  
TO THE  
Fundamental Rules and Supplementary  
Rules of the Government of India.

ISSUED BY THE COMPTROLLER, ASSAM.

*FIRST EDITION.*



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## P R E F A C E.

This Companion has been compiled in order to facilitate the interpretation and application of the rules to which it refers, and mostly consists of orders passed by the Secretary of State, the Government of India, and the Auditor General.

Instructions which appear in the "Manual of Audit Instructions" have been excluded.

A. J. CURRIE,  
*Comptroller, Assam.*

SHILLONG ;  
*The 23rd October 1926.*





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# A Companion to the Fundamental Rules and Supplementary Rules of the Government of India.

## PART I.—COMPANION TO FUNDAMENTAL RULES.

### Chapter I.—Extent on application.

#### *Grant of leave to inferior servants.*

**F. R. 2.** 1. Pending the final settlement of the question of framing special rules to regulate leave of inferior servants, the grant of leave to such servants shall be subject to the restrictions imposed by articles 147 (iii) and 321, Civil Service Regulations. That is, the absentee allowance of the substantive incumbent must not exceed what remains from his pay after provision is made for the efficient discharge of his duties during his absence except when in the resultant acting arrangements, an officer who has no substantive appointment is given more than half the pay of the appointment in which he acts, in which case the excess over half pay granted to him may at the discretion of the authority sanctioning the leave be disregarded altogether in calculating the sum available for the leave allowance of the absentee and the acting allowance paid in consequence of his absence.

(G. I., F. D., No. 7-C. S. R., dated 8th January 1923, Dy. G. I.-320.)

**NOTE.**—This order applies only to leave granted on or after the date of its issue.

(A. G.'s No. 68-A-K. W. 313-22, dated 21st January 1924, Dy. C. G.-693.)

**F. R. 4.** 2. The term “under their administrative control” in F. R. 4 includes services controlled by the Governor in Council as the agent of the Governor General in Council.

(Para. 3 of G. I., F. D., No. 1079-C. S. R., dated 29th October 1921, Dy. G. I. 225.)

**F. R. 8.** 3. The general principles of interpretation inculcated in the second sub-paragraph of Article 4 of the Civil Service Regulations are to be followed so far as the Fundamental Rules relating to pay, allowances and leave are concerned.

... (A. G.'s No. 202-A—18-24, dated 5th March 1924, Dy. C. G.-814.)

4. All orders issued by the Government of India prior to the 1st January 1922 which are at variance with the Fundamental Rules or the Supplementary Rules framed under them, should be regarded as cancelled with effect from that date.

(G. I., F. D., No. 7 (b)-C. S. R. 24, dated 5th July 1924, Dy. G. I.-122.)

*The position of the Auditor General in regard to the interpretation of the Government of India Act and the rules made thereunder.*

5. An interpretation of the Government of India Act given by the Legislative Department of the Government of India is ordinarily accepted by the Auditor General ; but if the point at issue is one of fundamental importance or if it is of considerable importance and the Auditor General has grave doubts as to the accuracy of the interpretation given by the Legislative Department, he regards himself as entitled to ask that an authoritative ruling may be obtained from the Law Officers of the Crown.

(2) The Devolution rules are rules made by the Governor General in Council with the sanction of the Secretary of State in Council and approved by both Houses of Parliament. Those rules and all other rules issued under the Act with the approval of the houses of Parliament, *e.g.*, the Local Government (Borrowing) rules, the Scheduled Taxes rules, etc., are of the nature of Statute, and the Auditor General's position in regard to their interpretation is the same as that in regard to the interpretation of the Act itself as set out above.

(3) The Fundamental Rules are rules made under the Act by the Secretary of State in Council. In these rules the Secretary of State has included a specific provision giving the Governor General in Council the power of interpreting the rules. As regards the other rules made by the Secretary of State in Council in exercise of the powers conferred upon him by the Act or issued under the Act by the Governor General in Council with the sanction of the Secretary of State in Council which do not contain a similar provision or in respect of which the Governor General in Council has not been declared to be the interpreting authority, the ultimate authority for interpretation is the Secretary of State in Council and the Auditor General cannot regard himself as bound by an interpretation given by the Governor General in Council.

(A. G.'s No. 183-A—2-25, dated 12th March 1925, Dy. C. G.-877.)

## Chapter II.—Definitions.

F. R. 9 (2). 6. The following method should be adopted in calculating the average pay for the purpose of leave salary admissible under the Fundamental Rules :—

An officer under the special leave rules proceeded on leave from the 12th March 1924. He had been on leave from 14th April 1923 to 9th December 1923. To find the monthly average of the pay earned by the officer from 1st March 1923 to 13th April 1923 and from 10th December 1923 to 29th February 1924, calculation should be made as under :—

“ Divide the pay earned for the period of duty by  $3 + \frac{1}{3} + \frac{2}{3} = \frac{10}{3}$  months, taking  $\frac{1}{3}$  and  $\frac{2}{3}$  of a month for April and December 1923 respectively.”

(A. G.'s No. 388-A—110-24, dated 13th June 1924, Dy. C. G.-197.)

7. In the case of an officer on deputation in England, whose pay was specially fixed by the Secretary of State under Fundamental Rule 51 and not under clause (a) of that rule, and who, on termination of his deputation, proceeds on leave on average pay, the Auditor General has ruled that proviso (a) to Fundamental Rule 9 (2) does not apply. The average pay, in his case, should, therefore, be calculated on the basis of the actual pay earned during the 12 complete months preceding the month in which he proceeded on leave.

(A. G.s' No. 1098-A—383-23, dated  $\frac{2n1}{3rd}$  November 1923, Dy. C. G.-523.)

**F. R. 9 (6) (b).** 8. The Governor General in Council have issued under Fundamental Rules 9 (6) (b) and 20, the following general orders applicable to all Government servants under his administrative control other than Government servants employed in Chief Commissioners' provinces :—

1. A Government servant, who has been substantively appointed to a post or to a cadre in Government service, shall be treated as on duty during any course of instruction or training which he may be required or permitted to undergo in accordance with the terms of any general or special orders of the Governor General in Council.
2. A student, stipendiary or otherwise, who is entitled to be appointed to Government service on passing through a course of training at a university, college or school, shall, unless in any case it be otherwise expressly provided in the terms of his appointment, be treated as on duty during the interval between the satisfactory completion of the course and the assumption of his duties.
3. (a) A Government servant shall be treated as on duty during any period which he is permitted to spend in preparation for an examination of any of the following kinds in an oriental language :—
  - (i) An optional examination by the high proficiency or degree of honour test in any vernacular language.
  - (ii) An optional examination by the higher standard or high proficiency test in Sanskrit, Arabic or Persian.
  - (iii) An optional examination by the degree of honour test in Sanskrit, Arabic or Persian.
  - (iv) In the case of Government servants of the Railway Department, a compulsory examination by the lower standard test in Hindustani.
  - (v) In the case of officers appointed in the United Kingdom to the Indian Service of Engineers, the Sanitary and Electrical Services of the Public Works Department, the engineering branch of the Telegraph Department, or the Indian Forest Service, a compulsory examination in a vernacular language.

(b) The period to be spent in preparation is limited to six months in a case covered by sub-clause (iii) of clause (a) above and to three months in all other cases: provided that it may be extended to six months in the case of an officer of the Political Department preparing for an examination by the higher standard or high proficiency test in Persian or Arabic.

(c) The period of preparation under sub-clause (v) of clause (a) above shall be spent only in India.

(d) Preparation shall not be permitted to count as duty more than once under each of the sub-clauses of clauses (a) above, except that in the case of the services enumerated in sub-clause (v), the period of preparation may be taken in instalments by officers preparing themselves for one or more examinations, provided that the total of the instalments does not exceed the maximum period of three months.

(e) Periods spent in preparation under this sub-paragraph may be combined with periods of leave as follows:—

(i) under sub-clause (i) to (iv) of clause (a) with leave on average pay.

(ii) under sub-clause (v) of clause (a) with leave on average or half average pay.

4. When a Government servant is treated as on duty under sub-paragraph 1 or 3 above, his right to draw during such period any compensatory allowance attached to the post on which he holds a lien shall be governed, as though he were on leave by Supplementary Rules 6 and 7.

(G. I., F. D., No. 724-C. S. R., dated 16th May 1923, Dy. G. I.-67.)

9. The following decision has been reached with regard to Civilian Government servants who join the Army in India Reserve of Officers:—

(a) Servants of the Government of India who belong to the Army in India Reserve of Officers will, when called up for training, receive their civil pay in addition to their military pay and allowances. The former will be charged to civil and the latter to Army estimates.

(b) The time spent on training will count as duty under Fundamental Rule 9 (6) (b).

(c) If it is necessary to provide a substitute in the place of an officer undergoing training the additional cost will be a charge on civil estimates.

(d) The Army Department will not be called on to pay any share of the leave and pension charges of an officer for the period he is called out for training.

(G. I., A. D., No. A-31304 (A. G.-2), dated 17th August 1926, received with Finance, Department letter No. P-81-F. E., dated the 27th September 1926, Dy. G. I.-253 and G. I.-242.)

**F. R. 9 (21) (a) (iii).** 10. The grant of a special fee beyond the ordinary terms of the scale sanctioned by the Secretary of State in any case does not require his sanction, unless the Governor General in Council makes a declaration under Fundamental Rule 9 (21) (a) (iii) classifying it as pay.

(A. G.'s No. 444-A—162-24, dated 9th July 1924, Dy. C. G.-261.)

11. Fees drawn from general revenues by some officers in Assam, e.g., commission to ex-officio Sub-Registrar, Khasi and Jaintia Hills, fees to the Civil Surgeon, Shillong, for visiting the Pinemount School, Shillong, fees to the Civil Surgeons in Tea Districts for inspecting unhealthy tea gardens and fees to the Sub-Assistant Surgeon for visiting the Assam Survey School, Jhalukbari,—will not count as pay for the calculation of leave salary unless and until the Governor General in Council passes an order under Fundamental Rule 9 (21) (a) (iii). Whether they count towards pension has to be determined by the application of Article 486 (c) Civil Service Regulations or the corresponding rule in the new pension rules when these rules are sanctioned.

(A. G.'s No. 997-A—108-23, dated 25th September 1923, Dy. C. G.-417.)

12. The Governor General in Council has classed "Exchange compensation allowance" and "Judicial Pay" as "Pay" with effect from 1st January 1922.

(G. I., F. D., No. 2685-F. E., dated 27th December 1921, Dy. G. I.-308 and G. I., F. D., No. 76-E. A., dated 25th January 1922, Dy. G. I.-324.)

13. The Governor General in Council has termed language allowances as "Language Pay" and classed them as "Pay."

(G. I., F. D., Resn. No. 1439-F. E., dated 14th July 1922, Dy. G. I.-121.)

**F. R. 9 (23).** 14. The Government of India have declared, with the approval of the Secretary of State, that the personal allowance granted in lieu of Exchange compensation allowance referred to in paragraph 3 of G. I., F. D., Resolution No. 1559-E. A., dated the 16th August 1921, and paragraph 4 of G. I., F. D., Resolution No. 591-F. E., dated the 29th March 1922, shall be treated as "Personal Pay" for the purpose of calculating leave salary, but not for pension.

(G. I., F. D., No. 2660-F. E., dated 19th December 1922, Dy. G. I.-297.)

*Rate of exchange for converting sterling overseas pay for the purpose of calculating the amount of special pay attached to a post, when the special pay is a fraction or percentage of pay, including sterling overseas pay.*

**F. R. 9 (25).** 15. The special pay is admissible on the sterling overseas pay as well as on the rupee basic pay.

(2) The special pay must be expressed and drawn wholly in rupees.

(3) For the purpose of calculating the special pay, the pay in the ordinary line should be taken to be the rupee basic pay plus the rupee equivalent of the sterling pay.



(4) To ascertain the rupee equivalent of the sterling pay the rate of conversion to be applied should be the rate of 2 shillings to the rupee.

(G. I., F. D., No. F-29-IV-F. E., dated 1st June 1925, Dy. G. I.-106.)

### Chapter III.—General Conditions of service.

**F. R. 13.** 16. The limit of three years mentioned in F. R. 13 refers to the duration of the duty itself and not to the tenure of appointment by a particular officer.

(G. I., F. D., No. 4143-F., dated 14th August 1900.)

*Date of commencement of pay on first appointment in the case of officers who are recruited overseas.*

**F. R. 17.** 17. The pay of officers recruited overseas who are entitled to a first class passage to India, shall commence from the date of their arrival in India, provided that it is not otherwise laid down in the Civil Service Regulations. In the case of officers who receive a second class passage, pay shall commence from the date of embarkation for India.

(G. I., F. D., Resn. No. F-252-C. S. R.-26, dated 9th July 1926, Dy. G. I.-159.)

### Chapter IV.—Pay.

*Fixation of the salary and other privileges of the Secretary to the Provincial Legislative Council and his Assistants.*

**F. R. 19.** 18. The Secretary and his assistants being officials who are appointed by the order of the Governor and hold offices during his pleasure (*vide* Rule 5 of the Rules of Business of Provincial Legislative Council), they are not Government servants in the strict sense of the expression as is used in the Fundamental Rules.

19. As, however, the statutory rule quoted above is silent as to the fixation of the salary and other privileges of these officials, these matters would be governed by the Audit Resolution relating to Reserved Subjects and the Financial Rules of the Local Government subject to the vote of the Council, except that if the case of a person appointed to any of these offices falls under the provision of sub-section (3) (iv) of section 72 D of the Government of India Act, the salary of such official should be treated as non-voted. It is, however, open to the Local Government for facility of business to adopt any of the Fundamental or Supplementary Rules as the Financial Rules relating to these officials,

(A. G.'s No. 743-A—230-33, dated 18th June 1923, Dy. C. G.-190.)

**F. R. 22.** 20. A Government servant who on the abolition of a temporary post held substantively by him is appointed to another post

either temporary or permanent, is entitled under Fundamental Rule 22 to have his initial pay regulated with reference to the pay drawn in respect of the post which is abolished.

(G. I., F. D., No. F-99-C. S. R.-26, dated 27th March 1926, Dy. G. I.-14.)

21. Fundamental Rule 22 as it stands applies in cases of transfers from one time-scale of pay to another which is identical with the former, but on a different cadre.

(A. G.'s letter No. 207-A—11-24, dated 17th March 1925, received with Memo. No. 486-A—11-24, dated 24th August 1925, Dy. C. G.-320.)

22. The Local Government of a province sanctioned a new time scale of pay for a service with effect from the 1st April 1924 and ordered that the initial pay of the existing members should be fixed according to their length of service. On finding that the initial pay thus fixed exceeded in most cases what would be admissible by the application of Rules 22 and 23 of the Fundamental Rules the Audit Officer of the province was of the opinion that the sanctioning authority was not competent to depart from the provisions of Fundamental Rule 22. A reference was made to the Auditor-General who decided as follows :—

The regulation of pay on a new scale of the "existing members" of a service, with reference to their length of service is equivalent to the grant of advance increments to a class of Government servants. The relevant rule is Fundamental Rule 27. One of the principles adopted in drafting the Fundamental Rules was to omit any statement of the manner in which discretion is to be exercised by administrative authorities. The effect of this deliberate decision is that the manner in which discretion is now exercised can only be challenged in audit if a canon of financial propriety is infringed. It was also recognised that Fundamental Rule 27 would enable initial rates of pay to be fixed otherwise than in the manner enunciated in Fundamental Rules 22 and 32. The only point for audit to consider in a case in which Fundamental Rule 27 is used to override the application of Fundamental Rules 22 and 32 to a whole class of Government servants, is whether the method adopted infringes a canon of financial propriety, it being understood that judgment is to be according to the spirit rather than the letter of the canon. From this stand point the sanction of the Local Government is not open to challenge by audit.

(A. G.'s No. 840-A—320-24, dated 10th January 1925, Dy. C. G.-694.)

**F. R. 24. 23.** As the postponement of all future increments is a very severe cumulative penalty, the Government of India have decided that when the authority passing orders to withhold an increment fails to specify clearly for what period the officer is to be deprived of his increments, the deprivation should be held to cease on the expiry of the period during which the officer would have drawn the increment withheld.

For example, if on the 1st July 1919 an officer already drawing a pay of Rs. 110 in a grade of Rs. 100—10—150 and in ordinary course entitled to an increment of Rs. 10 on the 1st July each year, is punished by refusal of the next increment, to which he would otherwise have been entitled on that date, he will, in the absence of special orders to the contrary, be entitled on the 1st July 1920 to draw Rs. 130 and not Rs. 120 only.

(G. I., F. D., No. 752—C. S. R., dated 16th July 1919, Dy. G. I.-102.)

**F. R. 26.** 24. Joining time admissible under Fundamental Rule 105(c) on return from extra-ordinary leave out of India, will count as duty for increments in a time-sale, even though no allowance is admissible during such joining time under Fundamental Rule 107 (b) (i).

(A. G.'s No. 1185-A—462-23, dated 27th November 1923, Dy. C. G.-509.)

25. Under paragraph 4 of the letter from the Government of India in the Finance Department No. 1079-C. S. R., dated 26th October 1921, Government servants who elect the leave rules in the Fundamental Rules and take leave for the first occasion after the introduction of these rules have the option of drawing, during that portion of leave corresponding to privilege leave, the pay of the post on which they hold a lien. The Secretary of State has decided that for the purpose of regulating the pay of Government servants who avail themselves of the above concession, the term "lien" in Fundamental Rule 26 (b) should receive the interpretation which it bears in the Civil Service Regulations.

(G. I., F. D., No. F. 60-C. S. R.—24, dated 21st July 1924, Dy. G. I.-154.)

26. The Secretary of State has ordered that all temporary or officiating service in an administrative post in any of the Imperial Services and all service and leave during which a Government servant held a lien on such a post, or would have held a lien had it not been suspended, shall count for increments in the time-scale applicable to that post whether such service be continuous or not.

(G. I., F. D., Resn. No. 1559-E. A., dated 16th August 1921 published in page 1126 of the India Gazette, Part I, dated 20th August 1921 and Auditor of G. I. Sanctions No. C. S.-7322, dated 31st August 1921, Dy. C. G.-373.)

**NOTE.**—The above concession is admissible to an officer, who was not holding substantively an administrative post on the 30th April 1921 only on his confirmation in such a post. The position therefore is that an officer so long as he officiates in an administrative post in an Imperial Service, should have his salary or officiating pay regulated strictly in accordance with the rules or orders applicable to the case (the ordinary acting allowance rules or rules relating to officiating pay in force at the time, or the special terms, if any, of the kind referred to in Fundamental Rule 21) and that when he is confirmed in the post he will count all past officiating service in it for increments in the time-scale applicable to it at the time.

(A. G.'s No. T-1140-A—188-24, dated 31st July 1924, Dy. C. G.-323.)

27. The Secretary of State has sanctioned the proposal that if a Government servant, while holding an administrative post in any of the Imperial Services within the meaning of paragraph 8 of the Finance

Department Resolution No. 1559-E. A., dated 16th August 1921, is appointed to officiate in a higher post or to hold a higher temporary post, his officiating or temporary service in the higher post shall, for purposes of the orders in that paragraph, be regarded as service in the administrative post. This concession has effect from the 1st January, 1922.

(Copy of the India Office letter No. F-5228-24—Financial, dated 5th January 1925, to the Secretary to the G. I., F. D., received with G. I., F. D., No. 1179-Ex., dated 3rd February 1925, Dy. G. I.-334.)

28. The portion of the leave on average pay taken on the first occasion after the 1st January, 1922, which corresponds to privilege leave, should be treated as leave for all purposes. It should not be treated as duty for purposes of reckoning service for increments on the scale of the post in which the officer is officiating.

(A. G.'s No. 662 A—174-23, dated 25th May 1923, Dy. C. G.-132.)

29. Government servants, who have elected to remain under the Civil Service Regulations leave rules, cannot count the periods of privilege leave, taken by them, for increments in officiating appointments.

(A. G.'s No. 760-A—69-23, dated 23rd June 1923, Dy. C. G.-208.)

30. It has been decided by the Auditor General with the concurrence of the Government of India that the concession introduced by the Fundamental Rule 26 (c) that a Government servant can count officiating service in a higher post as service for increment in a lower post, if re-appointed to the lower post, should be treated as a fresh concession and not as an alternative to the ordinary rules in Fundamental Rule 26 (a) and 32 which permit such officiating service to count for increment in the higher post, if he is subsequently appointed to it either in an officiating or permanent capacity.

(A. G.'s No. 5-A—412-23, dated 7th January 1924, Dy. C. G.-657.)

**F. R. 26 (b).** 31. An officer who has elected to remain under the leave rules contained in the Civil Service Regulations is entitled to the benefit of Article 210 of those regulations and in his case the application of that article has the effect of overriding the definition of the word "lien" in Rule 9 (13) of the Fundamental Rules for the purpose of the interpretation of that word in Fundamental Rule 26 (b).

(G. I., F. D., No. F. 153-C. S. R.—26, dated 26th June 1926, Dy. G. I.-132.)

**F. R. 27.** 32. In the case of increments granted in advance, it is usually the intention that the officer should be entitled to increments in the same manner as if he had reached his position in the scale in the ordinary course and, in the absence of special orders to the contrary, he should be placed on exactly the same footing as regards future increments as an officer who has so risen.

(G. I., F. D., No. 752-C. S. R., dated 16th July 1919, Dy. G. I.-102.)

**F. R. 29. 33.** The Government of India consider that when the rules permit a man's dismissal or reduction to a lower post (Fundamental Rule 29), it seems hardly reasonable to hold that he cannot be reduced to any stage in the same time-scale on the sole ground that there is no specific provision in the Fundamental Rules to this effect. They are of opinion that the authority that is empowered to inflict any punishment (such as reduction to a lower time-scale of pay) must be held to be empowered to inflict also a smaller punishment (such as reduction to a lower stage of the same time-scale). They have therefore decided that there is nothing in the Fundamental Rules to prevent a reduction of pay from a higher to a lower stage in the same time-scale as a disciplinary measure.

(G. I., F. D., No. F-305-C. S. R.—25, dated 14th October 1925, Dy. G. I.-272.)

*Application of Fundamental Rule 32 in the case of an officer of a lower service who gets an increase in his substantive pay while officiating in a superior post.*

**F. R. 32. 34.** This is best explained by an example—An Inspector of Police on Rs. 250 per mensem is officiating as Deputy Superintendent of Police. Under Fundamental Rule 32 his initial pay as Deputy Superintendent of Police is fixed @Rs. 275 per mensem the next higher stage in his service. While so officiating his substantive pay as Inspector is raised to Rs. 300 per mensem. Under the provision of the last sentence of the Fundamental Rule 32 the officer's officiating pay is regulated @Rs. 300 per mensem from that day.

(Vide A. G.'s No. 66 A—349-22, dated 18th January 1923, Dy. C. G.-760 of 22-23.)

35. Under rule 32 of the Fundamental Rules, a person who has no substantive post under Government and who is appointed to officiate in a post on a time-scale of pay, may count all periods of past non-continuous officiating service in any stage of the time-scale for increments in that stage.

Fundamental Rule 35 gives the Local Government power to reduce the amount of officiating pay which is ordinarily admissible. In exercise of this power the Local Government may order that, in the case of persons having no substantive posts under Government, past non-continuous officiating service shall not count for increments.

As both in respect of Central and Provincial expenditure the powers of the Local Government under Fundamental Rule 35 are exercised by the authority which has power to make an officiating appointment to the post concerned, the appointing authority may or may not allow past non-continuous officiating service in a stage of the time-scale to count for increments in that stage.

(A. G.'s No. 155-A—31-24, dated 18th February 1924, Dy. C. G.-774.)

*Limitation of officiating pay by Local-Government and the treatment of officiating service on such pay.*

**F. R. 35.** 36. A Local Government is competent to make rules modifying or replacing any of the Fundamental Rules in relation to services under its administrative control other than all-India services, provided that the provisos mentioned in Fundamental Rule 2 are fulfilled. No objection can, therefore, be taken in audit to the orders of the Local Government limiting officiating pay and regarding the treatment of officiating service on such pay in so far as they affect members of services under its administrative control, other than all-India services. In the case of services not under its administrative control the decision contained in the Audit Instruction in regard to the regulation of increments in the case of the officiating Government servant, whose pay has been reduced under Fundamental Rule 35, must be followed strictly.

(A. G.'s No. 396-A—168-26, dated 1st July 1926, Dy. C. G.-176 in T. C. Bundle 48 of 1922-23.)

37. Acting promotions may be given in the place of Civilian Government servants who have joined the Army in India Reserve of Officers when they are sent for training, and who under the orders issued in the Army Department Office Memo. No. A-31304 (A. G.-2), dated 17th August 1926, are treated during the period of training as on duty.

(G. I., F. D., No. F.-367-C. S. R., dated 19th October 1926, Dy. G. I.-264.)

**F. R. 38.** 38. The correct procedure under the Fundamental Rules is to create for the officer selected to attend the Session, a temporary post for the period of his absence from his headquarters. It will then be possible to make arrangements for the performance of his regular duties without departing from the rules.

(G. I., F. D., No. 2291-C. S. R., dated 20th December 1923.)

**F. R. 43 (a).** 39. The subsistence grant of a member of the Indian Civil Service, a statutory civil servant or a military commissioned officer subject to the civil leave rules shall be as shown in the following table :—

Period spent by the Government servant on duty in India.	AMOUNT OF THE GRANT.	
	If drawn out of Asia.	If drawn in Asia.
	£	Rs.
Not more than 8 years . . . .	33½	333½
More than 8, but not more than 12 years	42½	426
More than 12, but not more than 16 years	53½	533½
More than 16 years . . . .	66½	666

} or the amount of leave salary to which he would be entitled if he were on leave on half average pay, whichever is less.

2. The subsistence grant of a Government servant appointed in the United Kingdom, other than the Government servants mentioned in subparagraph 1 above, who, on first arrival in India, is prevented by illness from proceeding to the seat of Government to which he is attached or to any other station to which he is ordered to proceed direct, shall be Rs. 250 or the pay to which he will be entitled when he takes over charge of his duties, whichever is less.

(G. I., F. D., No. 421-C. S. R., dated 10th May 1922, Dy. G. I.-59.)

NOTE.—No officer on subsistence allowance shall receive more than what he would draw if he were on half average salary.

(G. I., F. D., No. 1145-C. S. R., dated 24th November 1921, Dy. G. I.-252.)

### Chapter V.—Additions to pay.

**F. R. 44.** 40. The Secretary of State in Council reserves to himself the power of sanctioning the grant to Government servants of exchange compensation allowance; and has issued the following orders regarding the conditions under, and the rate at, which this allowance may be drawn:—

(1) In these orders—

- (a) *Current rate of exchange* means the rate of exchange for telegraphic transfers from Calcutta on London on the twentieth day of the month preceding that in which a claim for exchange compensation allowance is made.
- (b) *Exchange compensation allowance* means a compensatory allowance granted to compensate a Government servant for a fall of the sterling value of the rupee below one shilling six pence.
- (c) *Quarter* means a period of three months ending on the 31st March, the 30th June, the 30th September or the 31st December.

(2) The following classes of Government servants may draw exchange compensation allowance:—

- (a) Members of the Indian Police Service recruited prior to 1906, who were in receipt of the allowance on the date on which these orders came into force.
  - (b) Government servants who, on the date on which these orders came into force, were serving under a contract which provided for the grant of the allowance, for so long as they continue so to serve.
  - (c) Any other Government servant, whom the Secretary of State in Council may declare to be eligible for the allowance.
- (3) The amount of exchange compensation allowance admissible to a Government servant is the number of rupees by which

one-half of his pay falls short of the sum, which, when converted at the current rate of exchange, will yield the sterling equivalent of one-half of his pay converted at the rate of one shilling six pence: provided that the total amount of exchange compensation allowance drawn by a Government servant in any quarter shall not exceed the number of rupees by which a sum of £250 converted into rupees at the rate of one shilling six pence, falls short of the rupee equivalent of the same sum when converted at the current rate of exchange.

(4) (a) Exchange compensation allowance cannot be drawn by a Government servant while on foreign service or under suspension.

(b) Exchange compensation allowance, if otherwise admissible, may be drawn by a Government servant during the first four months of any period of leave on average pay.

(G. I., F. D., Resn. No. 2657-F. E., dated 19th December 1922, Dy. G. I.-296.)

41. In view of the definition of "Compensatory allowance" in Rule 9 (5), Rule 44 is not applicable to passage granted on first appointment as the period of the voyage to India is not "duty." The grant of a free passage, being part of the ordinary terms of appointment, is within the powers of the High Commissioner as the recruiting authority.

(India Office letter No. J. & O. 3269-23, dated 2nd September 1923, received with A. G.'s No. 115-A-446-23, dated 5th November 1923, Dy. C. G.-554.)

42. Where an Officer who has made arrangements to spend less than six months on leave in the United Kingdom during the fiscal year becomes liable to British income-tax through being detained on duty beyond that period, he may be granted a compensatory allowance equal to the income-tax on leave pay, up to a maximum of six months, which he would have escaped but for such detention on duty.

(G. I., F. D., No. F-217-C. S. R.—25, dated 29th July 1925, Dy. G. I.-184.)

43. The Local Government may sanction the grant of free passages from any place outside India other than the United Kingdom. The journeys from India should be regulated by Fundamental Rule 51 (a).

(A. G.'s No. 594-A-185-22, dated 26th April 1923, Dy. C. G.-74.)

44. The Government of India Act of 1919 does not require that rules to regulate the travelling allowance of the persons mentioned in the second schedule of the Act should be made by the Secretary of State, but under the proviso to clause (3) of Section 85 of the said Act the travelling allowance (which is held to come within the meaning of the 'allowances or other forms of profit and advantage') of these persons should be regulated by rules sanctioned by the Secretary of State.

The rules which, before the introduction of the Fundamental Rules governed the travelling allowance of persons mentioned in the second schedule of the Act, i.e., the rules contained in Government of India, Railway Department (Railway Board) Resolution No. 186T-16, dated



the 25th September 1916, the Civil Service Regulations and the Appendix 30 thereto, etc., should be regarded as sanctions of the Secretary of State in Council to a form of profit or advantage covered by the proviso of section 85 (3) of the Act, and that any variation of travelling allowance admissible under these rules, requires the sanction of the Secretary of State in Council.

The rules made by the Government of India and the Provincial Governments under Fundamental Rule 44 include travelling allowance rules for persons referred to in the Second Schedule of the Act. If these new rules grant any concessions in excess of, or alternative to, those admissible under the old rules sanctioned by the Secretary of State, such concessions will require the sanction of the Secretary of State in Council unless they are already covered by the orders of that authority.

(A. G.'s No. 588-A-K. W. 36-23, dated 9th September 1924, Dy. C. G.-405.)

NOTE (1).—Local Governments may fix the daily and mileage allowances in the case of members of Executive Councils of Governors on tour at rates not exceeding those fixed for High Court Judges without the approval of the Secretary of State.

(India Office No. Financial F. 23-2-25, dated 28th May 1925, received with G. I., F. D., No. F. 125-C. S. R.-25, dated 24th June, 1925, Dy. G. I.-124.)

NOTE (2).—The rules governing the travelling allowance of the Chief Justice and other Judges of the Indian High Courts are published in the India Gazette Notification No. 727-23, dated the 14th May 1924.

*Expenditure on the railway journey of Governors of Provinces and their wives on certain occasions.*

45. (1) The Civil Service Regulations provide for the following journeys of Governors :—

(a) journeys on duty (Art. 1142, C. S. R.) (b) journeys on joining appointment or retiring from the service and leaving India (App. 30, Part I, rule 8), and (c) journeys when proceeding on or returning from leave (App. 30, Part I, rule 8). The rules also provide for the accommodation of members of the Governors' household in respect of the above journeys.

(2) The existing rules therefore do not govern the following cases :—

(i) a Governor travelling otherwise than on duty and in circumstances not included in (b) and (c) above outside his own province ;

(ii) the wife of a Governor travelling in the Governor's saloon unaccompanied by him.

In regard to these cases the Secretary of State in Council has decided as follows :—

(i) The special accommodation assigned to a Governor when he travels on duty should, if practicable, be placed at his disposal and he should be required in return to pay four first class fares for the journey—that is, the cost of

reserving a first class compartment. Such payment should be regarded as covering the fares of all persons travelling in the special accommodation, and public revenues should bear only the difference between the cost of haulage of the saloon and the fares which the Governor would be required to pay. For the purposes of this decision "the cost of haulage" means the cost of haulage by an ordinary train and not by a special train engaged for the purpose.

- (ii) (a) When a Governor's wife travels within her husband's province unaccompanied by her husband the special accommodation should, if practicable, be made available to her, and the journey should be treated in the same way as if performed by the Governor, that is, the whole cost should be defrayed from public revenues.
- (b) The entire cost of a journey undertaken by a Governor's wife outside her husband's province and unaccompanied by him must be borne by the Governor himself.

These orders are applicable with effect from the 4th March 1923.

(G. I., F. D., Memo. No. F-19-VI-F. E., dated 2nd July 1926, Dy. G. I.-137.)

46. The circumstances which justify the grant to an officer of special pay are entirely different in character from those which justify the grant of a compensatory allowance,—a difference emphasised in the definitions of those terms embodied in the Fundamental Rules. The grant of compensatory allowance is a matter the control of which has been delegated to the Local Governments. There need not be any inter-dependence between special pay and compensatory allowance; thus where the cost of living would justify the grant to an officer of a compensatory allowance, he should not be rendered ineligible for such allowance because he has already been granted special pay in recognition of the duties and responsibilities of his post, or if the attachment of special pay to a post is justified under the terms of the Fundamental Rules, it should not be subject to reduction, because, for reasons essentially different a compensatory allowance is subsequently granted. •

(Extract from the Despatch from the Secretary of State, No. 6-Services, dated 18th February 1926, received with G. I., F. D., No. F. 6-C. S. R-26, dated 4th May 1926, Dy. G.I.-71.)

47. All new grants of special pay and compensatory allowance should be examined carefully in the light of the Secretary of State's observations and also any existing grants which may happen to come under the special scrutiny of Audit Officers.

(A. G.'s No. 527-A.—136, dated 7th September 1926, Dy. C. G.—323.)

**F. R. 45.** 48. Fundamental Rule 45 applies only to residences leased, acquired or constructed at the expense of a Local Government (including the Central Government in that capacity) and supplied by it to an officer

under its administrative control. It does not apply to residences belonging to one Government and supplied to an officer paid from the revenues of another Government. It applies, however, to residences belonging to the Central Government but under the control of the Local Government acting as Agents to the Governor General in Council, which are supplied by the Local Government to Government servants under its administrative control but paid from the Central Revenues.

(G. I., F. D., No. 253-C. S. R., dated 30th July 1925, Dy. G. I.-166 and G. I., F. D., No. F-233-II-C. S. R.—25, dated 6th January 1926, Dy. G. I.-353.)

NOTE.—The Government of Assam are competent to apply Fundamental Rule 45 in the case of Central buildings occupied by officers of the Assam Rifles.

(G. I., F. D., No. F-212-C. S. R.—26, dated 1st July 1926, Dy. G. I.-131.)

49. A case was brought to the notice of the Government of India, in which an officer provided with a Government residence who was paying a provisional rate of rent sublet the residence during leave on that rate. During his absence the standard rent of the building was fixed at a figure which was higher than both the provisional rate of rent and 10 per cent. of the emoluments of the officer. The question which then arose was whether the officer in question should not be made to pay the full standard rent limited to 10 per cent. of his emoluments, as it is nowhere definitely laid down that Fundamental Rule 45 is applicable to Government servants on leave. The Governor General in Council has decided under Fundamental Rule 8 that Fundamental Rule 45 applies to Government servants on leave and that in such cases the officers on leave are liable for the full assessed rent subject to the 10 per cent. limit.

(G. I., F. D., No. F. 259-C. S. R.—24, dated 3rd January 1925, Dy. G. I.-311.)

NOTE 1.—The 10 per cent. limit mentioned above should be interpreted as 10 per cent. of the emoluments last drawn by the officer.

NOTE 2.—It has however been brought to the notice of the Government of India that such a ruling would not be in consonance with a literal reading of Fundamental Rule 45 which would necessitate the "emoluments" of an officer on leave being interpreted as his leave salary. As there is no reason, however, why an officer on long leave should retain his house, the Government of India have decided that a Government servant who goes on leave, other than leave on average pay not exceeding four months, should be held to have ceased to be in occupation of the building from the date of commencement of such leave unless for any reason the local Government decides otherwise.

(G. I., F. D., No. F-198-C. S. R.—25, dated 21st August 1925, Dy. G. I.-202.)

50. It is not the intention of Fundamental Rule 45 Clause (b) note (ii) that the capital cost of residences, acquired or constructed by Government prior to the 1st January 1922, should be modified so as to include the assessed value of the site which was not taken into account in arriving at their original capital cost under paragraph 325 Rule I (a) of the Public Works Department Code (10th Edition).

(A. G.'s No. 1231-A-44923, dated 10th-13th December 1923, Dy. C. G.-622.)

51. Fundamental Rule 45 (c) (i) authorises a Local Government to take, in any particular area, a uniform percentage of emolument not exceeding 10 per cent. from each Government servant supplied with residence. It does not provide for the exclusion from the calculation of any house in the particular area chosen. The idea underlying the rule was that higher paid officers might make up for any loss which was incurred by Government as far as the rent of residences of lower paid officers were concerned.

(G. I., F. D., No. F-2-C. S. R.—25, dated 7th January 1925, received with the A. G.'s No. 55-C—111-24, dated 30th January 1925, Dy. C. G.-743.)

**F. R. 46 & 47.** 52. The payment of honoraria to persons in Government employ, as a remuneration for the use by Government of inventions patented by them (without a previous reference to the Government of India and without the knowledge of the Controller of Patents and Designs), is not governed by Fundamental Rules 46 and 47 but by the provisions contained in Section 17 of the Inventions and Designs Act, 1888, and Section 21 of the Indian Patents and Designs Act, 1911 which require that the terms on which an invention may be used for the services of the Crown must be settled by or with the approval of the Governor General in Council. Therefore before any payment is made to a patentee (even if he be a Government servant) for the use of his invention by Government the sanction of the Government of India in the Department of Industries and Labour should invariably be obtained.

(G. I. Dept. of Industries and Labour No. A-418, dated 30th May 1925, received with F. D. Memo. No. F. 176-C. S. R.—25, dated 5th June 1925, Dy. G. I.-105.)

**F. R. 47.** 53. The Medical Officers in civil employ should be allowed in future to accept fees for serving as examiners in medical subjects, and in conformity with the note to Fundamental Rule 47, the Secretary of State authorises the Government of India to fix the amount of the fee which may be accepted by an officer in any given case by reference to the relevant circumstances of the case.

(India Office No. F. & O. 2250-25, dated 15th June 1925, received with G. I., F. D., No. F-115-C. S. R.—25, dated 20th July 1925, Dy. G. I.-145.)

## Chapter VI.—Combination of appointments.

**F. R. 49.** 54. An officer, when appointed as a temporary measure, under Fundamental Rule 49 to hold charge of a post in addition to his own, is entitled, if personally eligible, to draw under Fundamental Rule 49 (a) the full sterling overseas pay attached to the one post and such portion of sterling overseas pay in respect of the second, as may be determined by the Local Government under Fundamental Rule 49 (b).

(A. G.'s No. 200-A—6-25, dated 19th March 1925, Dy. C. G.-906.)

## Chapter VII.—Deputation out of India.

**F. R. 50.** 55. Officers on leave to Europe, who are unwilling to undertake special duty on deputation rates of pay, may be offered the alternative of continuing to consume leave and receiving an honorarium fixed at 1/3th of Indian pay for services rendered during leave instead of placing them on duty on deputation terms.

(S. of S. Despatch, No. 16, dated 21st September 1922 and the G. I., F. D., No. 994-C. S. R., dated 9th May 1924, received with A. G.'s Memo. No. 387-A.—137-24, dated 13th June 1924, Dy. C. G.-198.)

**NOTE 1.**—Officers on deputation out of India whether sent on deputation from India or placed on deputation while on leave in the United Kingdom, may, if average pay leave would otherwise be admissible convert deputation into leave on average pay *plus* an honorarium of 1/6th of Indian pay, on the condition that in both cases the cost of passages both from and to India is borne by the officer.

(India Office No. F.-4012-25, dated 14th Sept. 1925, received with G. I., F. D., No. F.-120-C. S. R.—25, dated the 4th Nov. 1925, Dy. G. I.-293.)

**NOTE 2.**—The intention of the Secretary of State in Council is that periods of deputation converted into leave should count for pension as leave and not as deputation.

(G. I., F. D., No. F.-120-C. S. R.—25, dated 19th Nov. 1925, Dy. G. I.-307.)

**NOTE 3.**—The terms of Fundamental Rule 50 must be interpreted as applying to cases where officers exercise the option of consuming leave and drawing an honorarium of 1/6th pay during a period of duty out of India, i.e., this option can only be exercised by a Government servant whose deputation out of India has been approved by the proper authority.

(G. I., F. D., No. F.-101-C. S. R.—26, dated 30th July 1926, Dy. G. I.-173.)

**F. R. 51.** 56. The grant of a return passage to India to an officer placed on deputation outside India on conclusion of his deputation is conditional on his return to duty forthwith on the conclusion of the deputation unless an arrangement to the contrary effect should be specially permitted at the time the deputation closes, or is about to close, and the proposed leave is begun.

(India Office No. F.-911—23, dated 8th March 1923 and G. I., F. D., No. 598-C. S. R., dated 26th April 1923, Dy. G. I.-43.)

57. The Government of India may sanction the deputation of an officer of Government, whether paid from general revenues or a local fund or in Foreign service, on duty outside India otherwise than in Europe or America for not more than 12 months at the cost of Indian revenues.

(G. I., F. D., Resn. No. 633-C. S. R., dated 22nd June 1922, Dy. G. I.-93.)

58. The Government of India or in cases in which the cost is met from Provincial Revenues, a local Government, may depute a subordinate police officer to any country outside India, to accompany or take charge of criminals or lunatics, or on any other business, which is part of his duty as a police officer, and may grant to the officer so deputed—

(a) full pay, for the entire period of absence from India, with actual travelling expenses, and

(b) a subsistence allowance not exceeding the following scale, while in any country outside India—

For an officer of the Inspector class . . . . 22s. 6d. a day.

For an officer of the <sup>Sergeant</sup>~~Constable~~ class . . . . 15s. a day.

The local Government may delegate their powers under this rule to officers of a rank not lower than Deputy Inspectors-General of Police or Commissioner of Police in Calcutta.

(G. I., F. D., Resn. No. 1224-C. S. R., dated 10th November 1922, Dy. G. I.-236.)

### Chapter VIII.—Dismissal and Suspension.

*Nil.*

### Chapter IX.—Compulsory Retirement and Resignation of office.

**F. R. 56.** 59. Under Fundamental Rule 2, the Governor General in Council, in his capacity as a Local Government, declares that in so far as Government servants serving under his administrative control or in a Chief Commissioner's province are concerned, Fundamental Rule 56(a) does not apply to a Government servant in inferior service.

(G. I., F. D., No. 723-C. S. R., dated 16th May 1923, Dy. G. I.-56.)

60. The specialist services of the Public Works Department being organised outside the Indian Service of Engineers, it has been decided that Rule 56 (c) (iv) of the Fundamental Rules cannot be held to be applicable to them and their case is consequently governed by Rule 56 (a), under which the services of such an officer may be retained after the age of 55 years for the recorded reason that his services are required on public grounds.

(G. I., P. W., No. E.-34, dated 4th June 1924, Dy. G. I.-90 in Bk. Bdl. 49 of 1921-22.)

61. The age of superannuation referred to in sub-clause (c) (iii) should be 60 years in case of all incumbents of the posts included in Fundamental Rule 98, which has replaced Article 547, Civil Service Regulations, irrespective of whether the officer concerned is recruited directly or promoted from a subordinate post.

(S. S.'s Tel. No. 3725, dated 18th October 1923, received with G. I., F. D., No. 2053-C. S. R., dated 16th November 1923.)

62. The rule in note 3 to Fundamental Rule 56, inserted by Government of India Finance Department, No. 1194-C. S. R., dated 22nd

October 1922 does not require that the authority sanctioning leave under Fundamental Rule 86, should necessarily be competent to sanction an extension of service also.

(A. G.'s letter No. 898-A.—K. W.—79-22, dated 15th August 1923, received with Memo. No. 898½-A.—K. W.—79-22, dated 17th August 1923, Dy. C. G.-332.)

63. In the case of officers who have not elected to serve under the amended rules for the retirement of officers of the I. M. S. (*vile* the Royal Warrant, dated the 13th June 1919), the ages prescribed in the old rules may be taken as the date of compulsory retirement.

In the case of an administrative medical officer, who reaches the age for compulsory retirement before the expiry of his term of service, or who completes his term of service before he has reached the age for compulsory retirement, six months leave under F. R. 86 may be granted, provided that in no case is he allowed to draw pension before the termination of his leave.

(G. I., F. D., No. 572-C. S. R., dated 14th April 1923.)

64. The provisions in sub-clause (c) (vi) (1) [1] and [2] are not applicable to officers of the I. M. S. promoted prior to 13th June 1919, unless such officers elected to come under the Royal Warrant, dated the 13th June 1919, in accordance with paragraph 3 of the Army Department Notification No. 2649, dated the 15th August 1919.

(G. I., E. and H. D., No. 474, dated 26th July 1922.)

## Chapter X.—Leave.

### SECTION I.—EXTENT OF APPLICATION.

**F. R. 61.** 65. Administrative Medical officers will come under this rule from 1st January 1922. Note 7 to Article 35 (a), Civil Service Regulations, will not apply to their case from that date. The limitations of the leave to a total period of 8 months at a time as was previously laid down in paragraph 226, Army Regulations, India, Vol. II, should still remain in force.

(G. I., E. D., No. 246, dated the 15th April 1922.)

66. In view of the introduction of a revised ruling published in Army Instructions, India, No. 307, dated 1st May 1923, and embodied in paragraph 813, Army Regulations, India, Vol. II (Revised Edition), under which, in addition to privilege leave due, the grant of furlough or combined leave not exceeding 8 months is limited to once only during four years' tenure of a Military administrative appointment, the Government of India have decided that in future, Administrative medical officers in civil employ shall only be permitted to take a total of 12 months' leave, if due under the Fundamental Rules, during the four years' tenure of an administrative appointment, subject to the

limitation of the leave to a period of 8 months on any one occasion. Continuous absence from duty in excess of eight months will involve vacation of appointment.

(G. I., Dept. of Education, Health and Lands, No. 694-(Health), dated 15th September 1923, copy received with G. I., F. D., No. D.—3883-C. S. R., dated 23rd July 1925, Dy. G. I.-150.)

## SECTION II.—GENERAL CONDITIONS.

**F. R. 70.** 67. All orders recalling an officer from leave out of India should be communicated to him through the High Commissioner for India. Orders of recall should specify whether the return to duty is optional or compulsory.

(Copy of G. I., F. D., No. 331-C. S. R., dated 28th February 1924, received with A. G.'s, No. 223-A.—71-24, dated 12th March 1924, Dy. C.-G.-830.)

## SECTION III.—SPECIAL AND ORDINARY LEAVE RULES.

**F. R. 75.** 68. Any Government servant, whether gazetted or not, even though he might have been subject to the Indian Service Leaves Rules under the Civil Service Regulations, is entitled under Fundamental Rule 75 (2) (a) to the benefits of the special leave rules with effect from the 24th July, 1923, provided the criterion for the eligibility is fulfilled *i.e.*, if at the time of his appointment he had his domicile elsewhere than in Asia. This decision applies also to such Government servants as elected to remain under the leave rules in the Civil Service Regulations.

(A. G.'s No. 1158-A.—187-23, dated 16th November 1923, Dy. C. G.-550.)

69. The Government of India recommended to the Secretary of State, that a certain officer should, for specific reasons, be exempted from the operation of Fundamental Rule 75 (2) (a), and be admitted to the benefits of the special leave rules. In rejecting the proposal the Secretary of State pointed out that in the absence of a specific provision enabling him to vary or depart from the terms of the Fundamental Rules, it is not, in view of their statutory character, within his competence to relax their provisions in favour of individuals.

(A. G.'s No. 179-A.—57-25, dated 7th March 1925, Dy. C. G.-869.)

## SECTION IV.—GRANT OF LEAVE.

**F. R. 76.** 70. A separate account should be maintained of the leave earned by a Government servant serving under a Government and then transferred to another Government and all leave taken after the date of transfer should be debited to this account so long as the balance under it is not exhausted, and the allowances drawn during all leave which is so debited should be charged to that Government.

(G. I., F. D., No. 970-C. S. R., dated 22nd September 1921.)

**F. R. 77 (d).** 71. The question whether surplus officers of the Indian Army appointed to the Indian Police Service should be allowed to count



any portion of their Military Service towards leave in civil employ was considered at the time when the regulations for such appointments were framed and it was decided that no such concession was necessary. These officers on being discharged from the Army were appointed to the Indian (Imperial) Police Service as new recruits and the Government of India have informed the Government of Assam that they do not consider that there is any real hardship involved in neglecting Military Service for purposes of leave.

(L. G.'s letter No. C. P.-1212-6815-16-G. J., dated 6th November 1925, Dy. L.G.-2300.)

**F. R. 77 (e). 72.** The Government of India have decided that special war leave which was at the credit of military officers, who are appointed substantively to the Civil Department under Army Instructions, India, No. 106 of 1920, may be credited to their leave account on condition that it is taken before 31st December 1922. Officers who have taken leave after 1st January 1922, may substitute for portion of it any special war leave which may be admissible to them as the result of these orders.

(G. I., F. D., No. 1174-C. S. R., dated 16th October 1922.)

**73.** The Government of India have decided that it was not the intention that the privilege leave admissible in cases of urgent necessity under Article 271, Civil Service Regulations, should be carried into the leave account under the Fundamental Rules. Such privilege leave is not leave due, though it may be granted under certain circumstances. When urgent necessity arises, Fundamental Rule 82 (c) permits an increase of the leave on the credit side by one month for every two years of duty. In this manner the period of duty rendered before 1st January 1922, which would have counted for leave under Article 271, Civil Service Regulations, will likewise be reckoned as duty, for the calculation of leave permissible in cases of urgent necessity after 1st January 1922. Thus existing rights are safeguarded.

(G. I., F. D., No. 448-C. S. R., dated 20th March 1923.)

**F. R. 78. 74.** Leave "not due" taken under Fundamental Rule 81 (c), whether on medical certificate or not, should not, upto a maximum of three months expressed in terms of leave on average pay, be debited to the leave account of a member of the Indian Civil Service or a military Commissioned officer subject to the Fundamental Rules.

(G. I., F. D., No. 622-C. S. R., dated 20th April 1923, Dy. G. I.-20.)

**75.** The Government of India have decided that the rate of leave salary actually received by an absentee by the operation of the orders in the Government of India, Finance Department No. 7-C. S. R., dated 18th January 1923 (*vide* paragraph 1) should not be taken into account in recording the leave granted to inferior servants in their leave accounts but that the account should be debited with the kind of leave granted.

(A. G.'s No. 1139-C.—83-23, dated 31st October 1923, Dy. C. G.-506 in Bundle T. M.-60 of 23-24.)

76. If a civil officer who served with the Forces during the Great War, and who was granted sick leave during that service (other than the 3 months' absence on full pay allowed to officers wounded or invalided), has reason to think that the amount of civil leave earned by him in respect of his military service was less than the amount debited in his leave account in respect of the same service, his leave account will, on his making application, be examined and, if such should be found to be the case, the excess debit will be cancelled.

(G. I., F. D., Resn. No. F.—21-II-C. S. R.—24, dated 28th Aug. 1925,  
Dy. G. I.-199.)

77. The following instructions have been issued by the Auditor General on the subject of the treatment as continuous of two periods of leave on average pay, when leave on half average pay intervenes between them in one spell of leave :—

Under the last sentence of sub-paragraph 2 of paragraph 33 of the printed Audit Instructions, Volume I, as amended by Audit Instruction Circular No. 19, dated the 15th September 1924, the two periods of leave on average pay are treated as continuous in order to determine whether the first four months of leave on average pay should be treated as privilege leave for the purpose of pension. The Audit Instruction does not require alteration of the original entries in the service book, leave account, etc. Thus the intervening period of leave on half average pay which has not been converted into leave on average pay under the proviso to Fundamental Rule 81 (b) (ii), should remain unchanged.

(A. G.'s No. 116-A.—30-24, dated 16th February 1925, Dy. C. G.-804.)

78. A Government servant subject to ordinary leave rules—

- (1) may be granted leave on average pay at one time on medical certificate or on the condition that the leave is spent elsewhere than in India or Ceylon upto the amount due but not exceeding 8 months ;
- (2) may be granted leave on average pay in all equal to the privilege leave which it would on the date on which he comes under the Fundamental Rules be permissible to grant to him under the rules applicable to him prior to that date, *plus*—

one-eleventh of the period spent on duty subsequent to that date,  
*plus*—

any period of leave on average pay taken on medical certificate or spent elsewhere than in India or Ceylon subject to a maximum of one year.

(A. G.'s No. 372-A.—69-23, dated 10th March 1923, Dy. C. G.-904.)

**F. R. 81 (b) (ii).** 79. The following instructions have been issued by the Auditor General in connection with the questions arising out of

the deletion of the words " Plus one year " from rule 81 (b) (ii), Fundamental Rules :—

*Point I.*—In cases in which the option to revert to the old rules is exercised, it is intended that the reversion should take effect from the date on which the Government servant became subject to the leave rules in the Fundamental Rules.

*Point II (a).*—So far as Government servants who remain subject to the Fundamental Rules are concerned, the excess should be treated as " leave on average pay," although the conditions mentioned in the proviso in Fundamental Rule 81 (b) (ii) were not fulfilled, and should be debited against the extra " one year."

(b) As regards Government servants who revert to the leave rules which were introduced on the 29th July 1920, the excess over the privilege leave that would have been admissible if the Government servant had not elected the Fundamental Rule should on the analogy of the concession allowed to Government servants who remain subject to the Fundamental Rules, be treated as " Furlough on average salary," although the conditions laid down in Finance Department Resolution No. 2099-C. S. R., dated 27th November 1920, were not fulfilled.

(c) If there be any actual case of a Government servant reverting to the leave rules which were in force prior to the 29th July 1920 it should be referred for orders with full details of service and of leave taken during service.

*Point III.*—In the case of Government servants who revert to the old leave rules the position will be the same as in the case of Government servants who never elected the leave rules in the Fundamental Rules. The allowance during privilege leave will be regulated by the rules in Article 261 *et seq* of the Civil Service Regulations, and for purposes of these rules " the salary which he would receive if he were on duty in the appointment on which he has a lien " will be determined with reference to Articles 210, 38 and 68 of the Civil Service Regulations.

(A. G.'s No. 616-A.—69-23, dated 8th May 1923, Dy. C. G.-101.)

NOTE.—This decision relates purely to regulation of leave salary during " privilege leave " in the case of officers who elect to remain under the leave rules in the Civil Service Regulations, and cannot affect the question of increments the accrual of which must be governed by the provisions of the Fundamental Rules.

(A. G.'s No. 914½-A.—69-23, dated 21st August 1923, Dy. C. G.-350.) •

80. "Leave not due" may be granted to an officer only when there is a prospect of his returning to duty and earning leave equivalent to the amount of "leave not due" which he has taken.

(G. I., F. D., No. 758-C. S. R., dated 11th July 1922, received with G. I., F. D., No. 965-C. S. R., dated 14th June 1923, Dy. G. I.-96.)

81. This condition does not, however, apply in the case of a member of the Indian Civil Service or a Military Commissioned Officer subject to the civil leave rules who takes leave not due upto the maximum limit prescribed in Note 2 (ii) under Fundamental Rule 78.

In the case of a Government servant who is granted leave not due under sub-clause (ii) of Clause (c) of Fundamental Rule 81 and then applies for permission to retire, the period of leave not due should be cancelled and the retirement should take effect from the date of termination of the leave at credit in the Government servant's leave account. If, however, a Government servant is granted leave under sub-clause (i) of clause (c) of the rule, and it is subsequently found that he is unfit to return to duty, he should be regarded as having retired at the expiration of the period of leave granted under the recommendation of the Medical Board.

G. I., F. D., No. F-42-C. S. R.—24, dated 23rd August 1924, Dy. G.I.-176.)

82. Leave "not due" can be granted, under Clause C (ii) of Fundamental Rule 81, to an officer whose leave account shows a debit balance in consequence of the grant of leave "not due" on a previous occasion provided that the total period of leave "not due" does not exceed the maximum of six months in terms of average pay.

The authority competent to sanction leave can always refuse to grant a fresh period of "not due" leave if the application for such leave is not supported by a medical certificate.

(A. G.'s No. 98-A.—492-23, dated 28th January 1924, Dy. C. G.-712.)

**F. R. 81 (d).** 83. The limit of 28 months of continuous absence prescribed in Fundamental Rule 81 (d) should be held to be inclusive of the period of vacations with which leave is combined.

(A. G.'s No. T.—229-A.—217-23, dated 7th June 1923, forwarded with Nq. 710-A 217-23, dated 9th June 1923, Dy. C. G.-167.)

**F. R. 82.** 84. The implied basic condition of a vacation is that a Government servant only gets vacation on condition that he can arrange to carry out the vacation duties of his post and a Government servant should be considered to have availed himself of a vacation or a portion of a vacation unless he has been required, by general or special order of a higher authority, to forego such vacation or portion of a vacation. A Government servant who has routine duties to discharge during the vacation, which does not require his presence at his place of duty and which can be performed either by himself at some other place or by some other Government servant, should be considered to have availed himself

of a vacation or a part of it, while a Government servant who leaves his place of duty during a vacation is expected to arrange for, and is responsible for, the performance, without any cost to Government of such routine duties. A Government servant who leaves his place of duty during vacation is liable to be recalled thereto at his own expense.

(G. I., D. of E., Health and Lands, No. 2485-Edn., dated 22nd December 1926, received with G. I., F. D., Memo. No. F-215-C. S. R.-25, dated 11th January 1927, Dy. G. I.-382.)

85. In the case of an officer of a Vacation Department who was under either the old or the new leave rules in the Civil Service Regulations before the introduction of the Fundamental Rules and who reverted to those rules after the issue of the Finance Department Resolution No. 1414-C. S. R., dated 20th December 1922, the leave on average pay taken under the Fundamental Rules but treated as (commuted) furlough on average salary, shall not constitute an interruption of the half pay privilege leave.

(A. G.'s Memo. No. 941½-A.—69-23, dated 1st September 1923, Dy. C. G.-366.)

86. When the privilege permitted by Fundamental Rule 82 (c) is exercised, the additional leave permissible under that clause becomes "leave due" and acquires a character different from the "leave not due" which may be granted under Fundamental Rule 81 (c). Leave under Fundamental Rule 81 (c) and under Fundamental Rule 82 (c) may be granted in conjunction.

(A. G.'s No. 648-A.—172-23, dated 16th May 1923, Dy. C. G.-112.)

87. Under Fundamental Rule 82 (d) vacation is treated as leave for the purpose of calculating the maximum amount of leave on average pay which may be granted at a time under the ordinary rules. This is because vacation is a form of full pay leave granted to Government servants of the Vacation Department. The fact remains however that vacation is duty *vide* Fundamental Rule 82 (b) and duty pay is admissible during vacation (as in the case of privilege leave under the Civil Service Regulations).

(A. G.'s No. 90-A.—6-25, dated 4th February 1925, Dy. C. G.-751.)

88. The leave salary already drawn by an officer of a Vacation Department, who in the first instance takes leave combined with one vacation and afterwards extends his leave so as to include the next vacation or vacations during the same spell of absence on leave, should be re-adjusted only if the authority sanctioning the leave revises the leave notification sandwiching vacation between periods of leave. But if no revised notification allowing the enjoyment of the vacation is received no readjustment will be necessary, as the presumption will be that there is administrative objection to the reversal during vacations of acting arrangements made during leave. Vacations cannot be admitted as a matter of course by the Audit Office.

(A. G.'s No. 82-83-Admn.—387-25, dated 26th January 1926, Dy. C. G.-588.)

89. Pay for vacation may be drawn in England whether it has been combined with leave or not.

(A. G.'s No. 650-A.—163-23, dated 17th May 1923, Dy. C. G.-106.)

**F. R. 83** (a). 90. Mr. H. J. Vickers of the Indian Police Service who was very severely wounded whilst co-operating with regular troops in an engagement against trans-border raiders on the Bannu Border, was granted leave and leave salary under Rule 83 (a) of the Fundamental Rule by the Secretary of State for India.

In that connection it has been ruled by the Secretary of State that the cases of the nature of that of Mr. Vickers should be dealt with under Fundamental Rule 83 (a).

(S. of S., No. J. and P.-2596-1922, dated 13th September 1922, received with G. I., F. D., No. 295-C. S. R., dated 12th February 1923, Dy. G. I.-347.)

91. Provisions of Fundamental Rule 83 may be applied to any cases that may have arisen since the commencement of the Great War.

(G. I., F. D., No. 1221-C. S. R., dated 18th July 1923, Dy. G. I.-158.)

92. The intention of Fundamental Rule 83 (c) is not that special disability leave should be given to cover any portion of an officer's Military service, but that it should be admissible only after the officer's discharge as unfit for further military service. The Secretary of State has been pleased, however, to confirm all grants of special disability leave which have been made under an erroneous interpretation of the orders.

(G. I., F. D., No. F.-21—II-C. S. R.-24, dated 30th July 1924, Dy. G. I.-159.)

93. Since disability leave (which was formerly known as "wound leave") counts as duty under Fundamental Rule 83 (f) and as "Active Service" undoubtedly includes all "duty" (*vide* Article 8, Civil Service Regulations) "disability leave" is included in "Active Service."

(A. G.'s No. 1015-A.—388-23, dated 2nd October 1923, Dy. C. G.-445.)

**F. R. 84**. 94. Rules for the grant of additional leave to Government servants for the study of Scientific, Technical or similar problems or to undergo special courses of instruction, and also for grant of permission to officers of certain departments to visit the United Kingdom and elsewhere at the public expense are given in Appendix B.

**F. R. 85**. 95. When leave without pay has been granted at an officer's own request and for his own advantage, retirement under the premature retirement rules should not take effect from a date which involves the cancellation of such a leave.

(G. I.; H. D., No. F.-5—3-25-Estts., dated 29th June 1925, with F. D. Memo., No. F.-209-C. S. R.-25, dated 6th July 1925, Dy. G. I.-130.)

96. Extraordinary leave under Fundamental Rule 85 may be granted either by itself or in combination with, or in continuation of, other leave subject only to the provision in Fundamental Rule 18.

(A. G.'s No. 1091-A.—433-23, dated 31st October 1923, Dy. C. G.-534.)

**F. R. 86.** 97. The proper test in applying the rule is whether it would be more convenient on general administrative grounds for a Government servant to take leave before or after the age of superannuation. The rule is intended to apply only in cases in which a Government servant with leave due to him has applied for leave in sufficient time before the date of retirement and his application has been refused owing to the exigencies of the public service. It is not intended to apply so as to enable a Government servant at his own option to take leave after, instead of, before, the date of retirement.

(G. I., F. D., No. 2081-C. S. R., dated 26th November 1923, Dy. G. I.-290 and Dy. C. G.-708 of 1923-24.)

98. The rule imposes no restriction as to the total amount of leave that can be enjoyed by a Government servant who is on extension of service. There is no objection therefore to the grant of leave to such a Government servant on more than one occasion provided the period granted on each occasion does not exceed six months. It is however for the Local Government by administrative action to stop the abuse of the concession of the rule.

99. The first portion of the rule fixes a date up to which leave may be granted to a Government servant who is about to attain the age of superannuation. Any period of vacation included in the six months commencing from the date on which the Government servant attains the age of superannuation should be treated as part of the leave granted because it is by virtue of the leave granted that the Government servant remains in service after the age of superannuation. (*Vide* note 3 under F. R. 56 as inserted by G. I., F. D., No. 1154 C. S. R., dated 22nd October 1922.)

100. The second portion of the rule says that leave granted to a Government servant who is retained in service after the age of superannuation should in no case extend more than six months "beyond the date on which he ceases to discharge his duties." Although vacation in certain circumstances counts as duty (*c.f.* F. R. 82 (b)) a Government servant cannot be held to be "discharging his duties" in the sense intended in Fundamental Rule 86 while enjoying vacation. In cases, therefore, of leave under the second portion of Fundamental Rule 86 taken in continuation of vacation the limit of six months should be applied to the combined period of vacation and leave.

(A. G.'s No. 550-A.—124-23, dated 17th April 1923, Dy. C. G.-47.)

101. Fundamental Rule 86 simply limits the amount of leave that may be granted to Government servants who have reached or are about to reach the date on which they are required to retire. The kind of

leave and the amount of leave salary are determined not by this rule but by the general rules in Fundamental Rules 81 and 87. The proviso to Fundamental Rule 81 (b) (ii) should therefore be held to apply in cases of leave granted under Fundamental Rule 86.

(A. G.'s No. 314-A.—63-24, dated 22nd April 1924, Dy. C. G.-57.)

102. The date on which a ministerial Government servant must compulsorily retire is ordinarily the date on which he attains the age of 60 years, but in the case of a ministerial servant who is required to retire between the ages of 55 and 60, the date of compulsory retirement is the date from which he is required to retire. It follows from this that the restriction imposed by Fundamental Rule 86 does not operate in the case of a ministerial Government servant between the ages of 55 and 60 unless an order is passed requiring him to retire.

(G. I., F. D., No. F-25-C. S. R.-25, dated 28th January 1925, Dy. G. I.-330.)

103. The Government of India have ruled that the term "lien" used in the last sentence of paragraph 4 of their letter No. 1079-C. S. R., dated the 26th October 1921, should be interpreted in the sense in which it has been used in the Civil Service Regulations. Article 31 of the Civil Service Regulations lays down that an officer has a lien on an officiating appointment if his right to resume, on return to duty, that appointment is subject to the same condition of conformity with the interests of the Public Service as is his tenure of the appointment. That condition is not satisfied in a case in which an officer takes leave under Fundamental Rule 86 after the date of his compulsory retirement. During the period of leave of an officer after the date of compulsory retirement, he cannot therefore hold a lien on his officiating appointment and consequently cannot draw pay of that appointment for the period of leave corresponding to privilege leave under the old rules.

(A. G.'s No. 1277-E.—195-23, dated 13th March 1923, received with No. 1842-E.—195-23, dated 17th April 1923, Dy. C. G.-44.)

NOTE.—The officers holding substantive appointments are not affected by this order (*vide* Comptroller's decision, dated 23rd May 1923).

#### SECTION V.—LEAVE SALARY.

**F. R. 87.** 104. For purposes of the proviso in Fundamental Rule 87, the pay and status of a Government servant should be determined with reference to the post which he was holding (whether in a substantive or in an officiating capacity) before going on leave.

(G. I., F. D., Memo. No. F-175-C. S. R.-25, dated 29th May 1926, Dy. G. I.-88.)

105. Fundamental Rule 87 (a) provides that a Government servant on leave shall during leave, if the leave is due, draw leave salary equal to average pay or to half average pay, or to average pay during a portion of the leave and half average pay during the remainder, as he may elect. The election given by the rule is the election between the



three different forms of leave salary mentioned therein and the rule is not intended to give any choice as to the period during which average pay or half average pay can be drawn if the officer elects the third form. In that case the intention is that the period on average pay should be taken first and should be succeeded by the period on half average pay.

(G. I., F. D., No. 604-C. S. R., dated 26th April 1924 received, with A. G.'s No. 332-A.—30-24, dated 20th May 1924, Dy. C. G.-114.)

106. The words "as he may elect" in Fundamental Rule 87 (a) imply election once for all and therefore debar a Government servant from claiming commutation of leave as of right. It has been decided by the Government of India, with the concurrence of the Auditor General, that though under the Fundamental Rules the authority which granted leave can (if so disposed) commute it retrospectively into leave of a different kind, yet a Government servant does not possess any right to insist that it should be so commuted.

(A. G.'s No. 755-A.—345-25, dated 2nd January 1926, Dy. C. G.-544.)

107. The Government of India have decided that a Government servant cannot be compelled against his wishes to take leave on half average pay when leave on full average pay is admissible to him unless it be deemed necessary in the public interest and in the interest of the individual also to prevent the too rapid exhaustion of the limited amount of full pay leave available under the Fundamental Rules. These orders must not be interpreted as interfering with the discretion entrusted to authority competent to grant leave to determine whether leave should or should not be granted.

(A. G.'s No. 58-A.—72-23, dated 26th-30th April 1923, Dy. C. G. 81.)

108. The following instructions have been issued by the Government of India, Finance Department, in connection with that Department Notification No. 143-C. S. R., dated 12th November 1924, giving publication to the amendment of Fundamental Rule 87 by the Secretary of State in Council :—

- (1) The Notification has effect from the 8th October 1924.
- (2) The leave salary of persons who proceeded on leave before 8th October 1924 will not be affected by the amendment, nor does it affect the leave salary of those persons who, having proceeded on leave before 8th October 1924, take extensions of leave on or after that date.
- (3) An increment falling due during leave on other than the first occasion after the introduction of the Fundamental Rule will not take immediate effect.

(G. I., F. D., No. F-143-C. S. R.-24, dated 24th February 1925, Dy. G. I.-362.)

109. The privilege of commuting furlough on half average salary into furlough on full average salary allowed by Government of India,

Finance Department Resolution No. 2099-C. S. R., dated 27th November 1920, is admissible to all officers under the Indian Service leave rules in the Civil Service Regulations. The concession is not confined to those Government servants who elected the Revised leave rules of July 1920.

(A. G.'s Memo. No. 382-A.—134-24, dated 5th June 1924, Dy. C. G.-172.)

110. The leave on average pay should be treated as (commuted) "Furlough on average salary" in the case of an officer reverting to the old leave rules of the Civil Service Regulations even though his service prior to the date of his taking the leave "on average pay" was less than 10 years, and such "leave on average pay" treated as (commuted) "Furlough on average salary" should not count as interruption of service for "furlough" to be taken on the next occasion under Article 338, Civil Service Regulations (old).

(A. G.'s No. 835-A.—69-23, dated 15th August 1923 to A. G., Bengal, Dy. C. G.-322.)

111. A Government servant, who has taken leave on average pay under the Fundamental Rules, on the first occasion after the introduction of those Rules and who has exercised the option under paragraph 4 of Finance Department letter No. 1079-C. S. R., dated 26th October 1921 of drawing leave salary at the rate of the pay of post, on which he holds a lien, instead of his average pay without limit, may increase his leave salary, during the first 4 months, or (6 months when the excess over 4 months is covered by the temporary war concession) of the leave, on account of an increment falling due in the scale of pay applicable to the post which he holds substantively.

(A. G.'s No. 194-A.—174-23, dated 3rd March 1924, Dy. C. G.-806.)

112. In the case of an officer who exercises the option of drawing as leave salary, the pay of the post on which he has a lien instead of his average pay without limit under the provision of paragraph 4 of the Government of India, Finance Department, letter No. 1079-C. S. R., dated the 26th October 1921, the pay of the post includes both the leave pay and the sterling overseas pay which he drew while holding the post.

(A. G.'s No. 66-A.—6-25, dated 28th January 1925, Dy. C. G.-736.)

113. Two officers who were granted furlough on average salary for 4 months and 7 days and 2 months and 19 days from the 25th December 1920 and the 19th July 1921, respectively, expressed their desire to commute the above periods of their furlough on average salary to leave on half average salary and to refund the difference of leave allowances overdrawn by them.

The following decision was given by the Government of India with the concurrence of the Auditor General:—

"The Fundamental Rules do not explicitly provide for the commutation of leave, and therefore the case must be judged by equity.

The grounds for the claim are clearly inequitable as it is unreasonable to suppose that an officer taking leave in 1921 should be allowed to commute this leave in, say, 1941, merely in order to reap the pecuniary benefit which would accrue to him by reason of the difference in his emoluments in 1941 as compared with 1921. The officers' demand should, therefore, be refused."

(A. G.'s No 84-A.—310-24, dated 4th February 1925, Dy. C. G.-759.)

114. The Government of India have decided that the term "pay" occurring in the expression "the pay which he would draw in the permanent post held substantively by him" contained in the proviso to Fundamental Rule 87, should be interpreted as including the "hostel allowance" which is granted in Assam for the supervision of Government hostels and which is classed as "special pay" notwithstanding the fact that the allowance is more or less personal to the Government servant who draws it.

(G. I., F. D., No. F-374-C. S. R.-26, dated 27th November 1926, received with A. G.'s No. 47 Admn.-460-26, dated 11th January 1927, Dy. C. C.-561.)

NOTE.—Any allowance in Assam which is classed as "special pay" notwithstanding the fact that such allowance is more or less personal to the Government servant who draws it, should, for the purposes of Fundamental Rule 87 (b), be treated as the substantive pay of his permanent post.

(Vide Comptroller's decision, dated 27th January 1927, on the G. I., F. D., No. F-374-C. S. R.-26, dated 27th November 1926, quoted above.)

**F. R. 88.** 115. It has been decided, with the concurrence of the Government of India, that the period of 28 months' continuous absence from duty on leave referred to in Fundamental Rule 88 includes any period of leave on quarter pay or quarter average salary.

(A. G.'s No. 237-A.—58-24, dated 17th March 1924, Dy. C. G.-853.)

116. The expression "continuous absence from duty on leave" occurring in Rule 88 Fundamental Rules, does not include absence on extraordinary leave.

(A. G.'s No. 1147-A.—440-23, dated 14th November 1923, Dy. C. G.-549.)

**F. R. 89.** 117. In the case of an officer belonging to a vacation department, vacation should be treated as the equivalent of leave on average pay for the purposes of Fundamental Rule 89 and Government of India, Finance Department, Resolution No. 1289-C. S. R., dated 10th January 1922, which prescribes the rate of exchange at which leave salary should be converted into sterling under Fundamental Rule 91.

Vide G. I., F. D., letter No. 1462-C. S. R., dated 28th December 1922 to the High Commissioner for India, received with G. I., F. D., letter No. D-3229-C. S. R., dated 27th June 1924, Dy. G. I.-107.

118. For the purpose of applying the rupee limits of leave salary in Fundamental Rules 89 and 90 when a portion of the leave salary is

paid in sterling the latter should be converted into rupees at the current rate of exchange as defined in Article 343, Account Code.

(G. I., F. D., No. F-177-C. S. R., dated 1st June 1925, received with A. G.'s No. 387-A.—93-25, dated 13th June 1925, Dy. C. G.-180.)

119. The Accountant General, Punjab, having enquired of the Auditor General, whether, during the leave on half average pay taken in India by an Indian Medical Service Officer against the leave earned by him in the Military Department, his leave salary is subject to the maximum prescribed in Fundamental Rule 89, the following ruling is given :—

When the leave is granted under the Fundamental Rules the leave salary must be regulated by the rules in Chapter X of those rules. Note 2 to Fundamental Rule 90 permits the minimum leave salary to be regulated by the Military rules. The leave salary admissible to the Indian Medical Service Officer under the Pay and Allowances Regulations is a fixed amount, but it is useless to contend that the fixed rate of leave salary is not a minimum. It has therefore been decided by the Government of India, in consultation with the Auditor General, that the Military rate of leave salary cannot be withheld from the officer merely because it exceeds the civil maximum.

(A. G.'s Memo. No. 390-A.—122-25, dated 15th June 1925, Dy. C. G.-181.)

**F. R. 90, note 2.** 120. In the case of a Military Commissioned Officer in civil employ subject to the Fundamental Rules, the first four months of any period of leave on average pay is the equivalent of the old privilege leave and any period of privilege leave brought into his account must be taken against the first four months leave on average pay taken after the officer comes under the Fundamental Rules. With this exception he can set off the leave he takes against the civil leave or military leave earned as he pleases.

(A. G.'s No. 633-A.—44-23, dated 12th May 1923, Dy. C. G.-103.)

**F. R. 91 (5).** 121. The Secretary of State for India in Council is pleased to make the following order, under Fundamental Rule 91, prescribing the rate of exchange at which leave salary shall be converted into sterling :—

Leave salary expressed in rupees, if paid at the Home Treasury or in a Colony where the standard of currency is gold, shall be converted into sterling at the rate of exchange for telegraphic transfers from Calcutta on London on the date on which each payment becomes due, the rate of exchange being subject to the following minima :—

(a) In respect of leave salary due for the first four months of a period of leave on average pay, 1s. 4d. per rupee.

(b) In respect of all other leave salary, 1s. 6d. per rupee.

This order takes effect from the 1st January 1922.

(G. I., F. D., Resn. No. 1289-C. S. R., dated 10th January 1922, Dy. G. I.-301.)

122. The Secretary of State in Council has prescribed that leave salary may be drawn in sterling in the following British Dominions and Colonies :—

*Europe.*—Gibraltar, Malta.

*North Africa.*—Gambia, Gold Coast, Nigeria, Sierra Leone.

*Africa other than North Africa.*—Union of South Africa, Kenya, St. Helena, Uganda.

*America and West Indies.*—Dominion of Canada, Bahamas, Barbados, Bermuda, British Guiana, British Honduras, Jamaica.

*Australasia.*—Commonwealth of Australia, New Zealand, Fiji Islands.

NOTE.—Leave salary may be drawn in sterling also in Egypt while a British Army Pay Office is retained there.

(G. I., F. D., No. 868-C. S. R., dated 8th August 1922.)

**F. R. 93.** 123. The Secretary of State in Council is of the opinion that, provided the allowances granted on account of the unhealthiness of a locality are limited to cases in which the localities are really likely to cause illness or impaired vitality, it is reasonable that they should be taken into account in calculating leave salary and pension.

(G. I., F. D., No. 914-C. S. R., dated 8th May 1924, Dy. G. I.-74.)

## SECTION VI.—EXCEPTIONS AND SPECIAL CONCESSIONS.

*Leave of Members of the Executive Council who are not members of the Indian Civil Service.*

The following audit ruling has been issued by the Auditor General with the concurrence of the Government of India :—

**F. R. 94.** 124. Fundamental Rule 97 relates to Members of the Indian Civil Service only and is therefore not applicable to non-Indian Civil Service Officers. The only rule which is relevant to the case of non-Indian Civil Service Officers is Fundamental Rule 94 (a) which says that “the rules in sections I to V are not applicable to Members of the Executive Council of a Governor whose leave is governed by the Act.” The phrase “whose leave is governed by the Act” should be interpreted as though it read “whose leave as such is governed by the Act.” From this it follows that after a Member has vacated office as Member if he still remains a Government servant to whom the Fundamental Rules apply, he regains the privileges of these rules. But service as a Member can only earn leave permissible under the special

provisions of the Act and not leave under the Fundamental Rules. This interpretation may be put in the following form :—

“ When a Government servant other than a member of the Indian Civil Service takes leave on vacating the post of a Member of the Executive Council of a Governor, the leave and the leave salary to which he will be entitled will be the leave and leave salary to which he would have been entitled had he proceeded on leave on the day on which he took over charge as Member but before he so took charge.”

In the case of an officer who took charge as Member before the introduction of the Fundamental Rules, this interpretation should be applied as though the Fundamental Rules were in force on the day on which the officer so took charge.

Under the interpretation set out above, service as a Member of Council does not qualify for leave under the ordinary rules and pay as Member cannot be taken into account in the calculation of average pay. The average pay should be based on the pay drawn prior to appointment as Member of Council, and the amount of leave salary should be regulated by the ordinary rule in Fundamental Rule 89.

As the service as Member of a Council does not qualify for leave under the ordinary rules, the Member should be regarded as having come under the Fundamental Rules with a credit of the actual amount of leave (including privilege leave) which was due to him at the time of his appointment as Member.

The privilege enjoyed by Members of the Indian Civil Service of taking leave under the ordinary rules after vacating the Office of Member of Council without retaining a lien on a post, has not been extended to non-Indian Civil Service Officers although this privilege has been continued to the members of the Indian Civil Service under Fundamental Rule 97 as interpreted in Audit Instruction No. 40. A non-Indian Civil Service Member must, therefore, retain a lien on some post during any leave that may be granted to him under the ordinary rules.

(A. G.'s No. 314-A.—63-24, dated 22nd April 1924, Dy. C. G.-57.)

NOTE.—The conditions laid down above do not apply as they stand to an officer vacating a post of Member of an Executive Council but it is nevertheless desirable to adhere to the spirit of it and see that leave is not granted as a matter of course but only when there are special circumstances justifying it.

(G. I., F. D., No. F.-287-C. S. R.-25, dated 3rd February 1926, Dy. G. I.-403.)

**F. R. 94-A. 125.** The Secretary of State in Council has laid down the following principles to govern the grant of leave to the Presidents of the Legislative Councils :—

- (i) In view of the long periods of what may be described as “ vacation ” which a President enjoys and which he is free to spend wherever he chooses, no President shall be regarded as “ earning leave ” at all during the tenure of his appointment

or shall, except in the case of inability through sickness to attend to duty, be granted on the basis of his pay and service as President any leave of absence from his duty with allowances, either during the tenure of his appointment or, except as provided in clause (ii) below, on its termination.

- (ii) An official, being a member on the active list of a regular service, appointed to be President of any Council, shall be treated as retaining during his tenure his right to any leave which he had earned and which was due to him at the time when he assumed the office of President, and shall be entitled to enjoy such leave on or after the termination of his office of President on the allowances which would be admissible without taking account of the salary drawn as President.

Any question of detail which may arise has been left to the discretion of His Excellency the Governor for settlement.

(G. I., F. D., Rosn. No. 1130-C. S. R., dated 5th October 1922.)

*Rules fixing the furloughs of the Chief Justices and other Judges of the Indian High Courts.*

**F. R. 94 (b). 126.** Subject to the restrictions prescribed in Rule 6 below, furlough granted to a Judge may be, at the Judge's option, either—

- (a) Leave on full allowances, or
- (b) Leave on half allowances, or
- (c) partly leave on full allowances, and partly leave on half allowances.

(2) A furlough account shall be maintained for each Judge.

(3) (a). In the furlough account of a Judge who is already serving as a Judge when these rules come into force shall be credited :—

- (i) A period equal to double the period of privilege leave during which he would, if he had taken privilege leave on the date on which these rules come into force, have been eligible under the rules previously in force to draw salary ; *plus*
- (ii) the furlough standing at his credit on that date under those rules ; *plus*

*Note 1.*—For the purpose of this rule furlough shall be credited proportionately in respect of fractions of 4 years' actual service.

*Note 2.*—In the case of any Judge who was already in the service of the Government at the time of his appointment to the High Court, leave on half average pay or furlough without medical certificate which he had at his credit, when so appointed, under the rules applicable to the branch of the service to which he belonged, may up to a maximum of one year be treated as furlough standing at his credit. This note has effect from the 17th October 1922.

- (iii) one-fourth of the period spent by him on actual service subsequent to that date ; *plus*

- (iv) a period equal to double the period by which the vacation enjoyed by him in any year subsequent to that date falls short of one month by reason of his having been detained on duty as Vacation Judge, or in the performance of such other functions as he may have been directed to discharge by the Governor General of India in Council, provided that no credit shall be given under this clause for any such period by reason of the performance of functions other than those of Vacation Judge unless the functions were performed after the 1st April 1924.

(3) (b). In the furlough account of a Judge who when he is appointed to the High Court becomes subject to these rules shall be credited—

- (i) one-fourth of the period spent by him on actual service; *plus*
- (ii) a period equal to double the period by which the vacation enjoyed by him in any year falls short of one month by reason of his having been detained on duty as Vacation Judge or in the performance of such other functions as he may have been directed to discharge by the Governor General of India in Council, provided that no credit shall be given under this clause for any such period by reason of the performance of functions other than those of Vacation Judge unless the functions were performed after the 1st April 1924; *plus*
- (iii) if he was already in the service of Government at the time of being so appointed and had due to him at that time, under the rules applicable to the branch of the service to which he belonged, leave on half average pay, a period not exceeding the amount of leave so due to him and also not exceeding one year.

(4) The amount of furlough debited against a Judge's furlough account shall be the actual period of furlough taken subsequent to the date on which these rules come into force. In computing this period, leave on full allowances shall be treated as equivalent to double the amount of furlough.

NOTE.—Furlough due for previous service before appointment as a Judge should be definitely credited to the furlough accounts of Judges. Consequently credit in the furlough account of a Judge should be given under both the notes to Rule 3 (a) (ii) of the Furlough Rules.

(A. G.'s Memo. No. 212-A—36-23, dated 19th March 1925, Dy. C. G.-907.)

(5) The amount of furlough due to a Judge is the balance of furlough at his credit in his furlough account.

(6) Furlough due to a Judge may be granted to him subject to the following restrictions :—

- (a) The aggregate amount of furlough granted to him during his whole period of service as Judge shall not exceed three years *plus* the aggregate of the periods, if any, credited to his account



under Rule 3, sub-rule (a), clauses (i) and (v), or Rule 3, sub-rule (b), clause (ii). In computing the amount of furlough taken leave on full allowances shall be treated as equivalent to double the amount of furlough.

(b) The aggregate amount of leave on full allowances granted to him, including the furlough on double allowances granted under the rules previously in force, during his whole period of service as a Judge shall not exceed either—

(i) one-half of the period, if any, credited to his account under Rule 3, sub-rule (c), clauses (i) and (iv), or Rule 3, sub-rule (b), clause ( ) ; *plus* one year ; *minus* the aggregate of the periods, if any, of commuted furlough or of leave on average pay subject to a maximum taken by him under the rules applicable to the branch of the service to which he belonged prior to his appointment as a Judge, or

(ii) (A) one-twenty-fourth of the period spent by him on actual service, *plus* (B) one-half of the period allowed to be treated as at credit by Note 2 under Rule 3, sub-rule (a), clause ( ), *plus* (C) one-half of the periods, if any, credited to his account under Rule 3, sub-rule (a), clauses ( ) and (iv), or Rule 3, sub-rule (b), clauses (ii) and (iii).

*Note.*—The total of (A) and (B) is subject to the limit of one year.

(c) The maximum period of leave on full allowances granted at any one time shall be five months.

(d) The maximum period of furlough granted at any one time shall be 16 months. In computing this period leave on full allowances shall be treated as equivalent to an equal amount of furlough.

(7) On condition that the maximum limit prescribed in Rule 6, clause (c), is not exceeded, leave on half allowances may be granted to a Judge to whom it is not due—

(a) on medical certificate, or

(b) otherwise than on medical certificate, for not more than six months and not more than once during the whole period of his service as a Judge.

(8) A Judge on leave in Europe must, if the leave was granted or has been extended on a medical certificate, satisfy the Medical Board at the India Office as to his fitness to return to duty. Ordinarily he must attend at the India Office for examination by the Board, but, in special cases, particularly if he be residing at a distance of more than 60 miles from London, a certificate from two medical practitioners, in a form to be obtained from the High Commissioner for India, may be accepted. On the required evidence of fitness being furnished, the Judge will receive

from the High Commissioner permission to return to India. The authority granting the leave may require a similar certificate in the case of any Judge who takes leave in any locality for reasons of health, even though such leave is not actually granted on a medical certificate.

(9) Furlough taken in India shall be reckoned from the date on which the Judge quits his office to the date of his resuming duty. Furlough taken out of India shall be reckoned from the date of embarkation at the port of departure from India to the date of debarkation on return to India, except in a case falling under Rule 13.

(10) If furlough be taken partly in India and partly out of India the commencement and termination of the furlough shall be respectively determined under the provisions of Rule 9 according as the furlough begins or ends in or out of India.

(11) For the interval between the date of quitting his office and the commencement of furlough out of India and between the termination of furlough out of India and resuming his office, a Judge may be allowed a subsidiary leave not ordinarily exceeding 30 days, which in special cases may be extended.

NOTE.—The intervals between the date of quitting office and the date of embarkation and between the date of debarkation and the date of resuming office, can be treated as leave under Rule 10, and if these periods be so treated the allowances applicable will be those admissible under rule 13 for leave in India.

(G. I., F. D., No. 83-IV-C. S. R.—25, dated 24th June 1925, Dy. G. I.-123.)

(12) A Judge, when on furlough or subsidiary leave, shall receive allowances at the monthly rates shown in the following table :—

	When resident in Asia during furlough.	When resident outside Asia during furlough.
	Rs.	£
Leave on half allowances . . . . .	1,110	111
Leave on full allowances . . . . .	2,220	222
Subsidiary leave . . . . .	1,110	....*

NOTE.—For the first month of any period of leave on full allowances in lieu of the allowances in the above table a Judge may draw his salary.

(13) A Judge may be allowed to combine vacation on full salary with furlough as shown in (A) and (B) below, provided that no acting Judge is appointed or additional expense is incurred by the State in consequence of his absence during the vacation :—

(A) Where the vacation of the High Court consists of one period, a Judge may be allowed to combine vacation on full salary with furlough, either at the beginning or end thereof, but not both.

(B) Where the annual long vacation is not continuous, but is divided into two separate portions, a Judge may be allowed either—

(a) to combine one part of a vacation on full salary with furlough either at the beginning or end thereof, but not both ;  
or

(b) to combine both parts of one annual vacation on full salary with furlough for the intervening period.

(14) Except under medical certificate, the number of furloughs to be granted at any one time and the grant of furlough to individual Judges shall be subject to and limited by the exigencies of the service, which exigencies shall be determined exclusively by the authority with whom rests the question of granting the furlough.

(15) Applications for furlough not supported by medical certificate shall be granted usually in the following order :—

The Judge who has the greatest amount of furlough due to him under Rule 5 shall have the preference. If two or more applicants are on an equality in this respect, preference shall be given to the applicant whose actual service in a High Court is longest, reckoning, in the case of a Judge who has not taken furlough or leave granted under Rule 16, from the date of the commencement of his service in the High Court, and in the case of a Judge who has taken furlough, subsidiary leave or leave granted under Rule 16, from the date of his last return from such furlough or leave. If two or more applicants are equal in both the abovementioned respects, the preference shall be given to the senior in the Court.

(16) If the Government in its discretion deems it necessary, in any special instance, to grant to any Judge leave of absence for which no express provision is made in the foregoing rules, the Judge shall be entitled to draw no salary or allowances during such leave. Such leave shall in no case exceed six months and shall not be granted more than once during the whole period of the Judge's service as a Judge.

(17) Applications for leave shall in all cases be submitted and returns to duty, whether from leave or vacation, shall in all cases be reported in such manner as the Government shall from time to time prescribe.

(18) No substantive appointment shall be vacated merely by reason of leave being granted under these rules.

(19) If a Judge overstays any leave or any vacation whether combined with furlough or not, he shall forfeit all salary during the time of his remaining so absent ; and if he overstays his leave or vacation for more than one week, his office shall be liable to be declared vacant ; provided that if the overstayal is due to circumstances beyond his control the period of overstayal may, at the discretion of the authority with whom rests the question of granting furlough, be treated as furlough and be debited to his furlough account under Rule 4. A Judge on leave

or vacation is not obliged to return to duty, on an authorised holiday, unless another officer is officiating as Judge in consequence of his absence.

*N.B.*—(1). "Judge" includes a Chief Justice and Acting Chief Justice, and an Acting Judge and an Additional Judge, except when the contrary is expressed.

(2) "Actual Service" includes

(a) time spent by a Judge on duty as Judge or in the performances of such other functions as he may be directed to discharge by the Governor General of India in Council;

(b) duly authorised vacations (provided that the Judge is not absent on furlough or on leave granted under Rule 16);

(G. I., H. D., Notns. Nos. F-70, dated 29th December 1922, F-271-23, dated 15th November 1923, and F-611-24, dated 19th February 1925.)

(c) joining time for a judge on transfer from one High Court to another.

(G. I., H. D., Notn. No. F-937-24-Judl., dated 4th June 1925.)

*NOTE.*—A High Court Judge, when appointed, is required to agree to resign his appointment on attaining the age of 60 years and he must therefore compulsorily vacate his office in conformity with his own undertaking.

The grant of leave to a High Court Judge after the attainment of 60 years of age would involve the grant of an extension of service as a High Court Judge. The Government of India can extend the service of a High Court Judge in the circumstances described in the Secretary of State's Despatch No. 21 Public, dated the 22nd February 1918, i.e., the Government of India may sanction such an extension of service in the public interest only, and clearly it cannot be said to be in the public interest to sanction an extension of service beyond the age of 60 years in order to allow an officer to take leave. As a High Court Judge (under Rule 3 of the above Statutory Rules) is allowed credit in his furlough account as Judge of a certain period of leave at his credit at the time of his appointment to the High Court, any leave whether during the tenure of his office or on vacation of his office, or on attaining the age of 60 years, would be leave under the statutory rules applicable to High Court Judges. Leave under Fundamental Rule 86 is not therefore admissible to a High Court Judge after vacation of his office.

(A. G.'s Memo. No. 317-A—56-25, dated 5th May 1925, Dy. C. G.-29.)

**F. R. 95. 127.** Under Fundamental Rule 95 the Secretary of State will promulgate new rules regarding leave of Chaplains. Until those rules come into operation the concession in the second sentence of Article 600, Civil Service Regulations (as amended by correction No. 302, dated 17th August 1921) remains in force.

(A. G.'s letter No. 542A—25-23, dated 14th April 1923, Dy. C. G.-49.)

128. Pending issue of special leave rules contemplated in Rule 95 of the Fundamental Rules the leave allowances of chaplains on furlough other than commuted furlough will continue to be regulated according to Articles 585 (7) and 568 (9) of the Civil Service Regulations.

(G. I., F. D., No. 769-C. S. R., dated 10th May 1923, Dy. C. I.-58.)

*Rules made by the Secretary of State for India in Council on 7th June 1923 governing the leave and leave salary of Chaplains of the Church of England and Church of Scotland.*

#### *Rules.*

129. (1) The Special Leave Rules in sections I to V of Part IV of the Fundamental Rules made by the Secretary of State for India in Council

under Section 96 B of the Government of India Act are, subject to the exceptions and modifications contained in these rules, hereby made applicable to Chaplains of the Church of England and Church of Scotland on the Bengal, Madras and Bombay Ecclesiastical Establishments, including the Bishop of Lahore, Rangoon, Lucknow and Nagpur.

(2) A Chaplain on probation is entitled to the same leave and leave salary as if he held a substantive appointment as a Junior Chaplain.

(3) In the case of a Chaplain who was appointed before the 29th July 1906 leave shall be credited to his account in accordance with these rules  $1\frac{1}{2}$  months being added in respect of the additional 3 months leave admissible under Article 581 of the Civil Service Regulations, but privilege leave may continue to be granted under Article 592 (b) of the Chaplain's Leave Rules in the Civil Service Regulations, subject to the condition of Article 595, Civil Service Regulations, every month so taken being debited to his leave account as 14 days leave on average pay.

*Note.*—Privilege leave under Article 592 (b), Civil Service Regulations, cannot be taken in combination with any other leave.

(4) Leave salary in the case of Chaplains appointed before the 7th June 1923 is subject to the following yearly minima :—

	Leave on half average pay.	Leave on quarter average pay.
	£	£
Senior Chaplains holding the offices of Archdeacon of Calcutta, Madras or Bombay Presidency and Senior Chaplains at the same places.	600	480
Other senior Chaplains . . . . .	500	384
Junior Chaplains . . . . .	....	300

When leave is taken in Asia, leave salary is converted into rupees at the current rate of exchange subject to a minimum of Rs. 10 to the pound sterling.

*NOTE.*—No special minimum is necessary for Junior Chaplains on half average pay, since Fundamental Rule 90 prescribes a minimum of 396 which is higher than the rate of allowances laid down for Junior Chaplains on ordinary furlough under the Civil Service Regulations.

(5) A Junior Chaplain appointed a Senior Chaplain while on leave is, from the date of such appointment, entitled to the leave pay admissible to a Senior Chaplain.

*NOTE.*—A Junior Chaplain becomes a Senior Chaplain after 10 years' service, excluding the period of probation.

(6) To a Chaplain appointed before the 7th June 1923 who is proceeding on leave to England, an advance of three months' leave salary.

may be made, provided that no part of the leave is on average pay. An advance made under this rule is not recoverable in the event of the Chaplain's death.

(6A) A Chaplain, who entered the service on or before the 22nd September 1915, if required to retire at or over the age of 55 years before he has completed 25 years' total service as reckoned for purposes of pension, may be granted any leave at his credit up to a maximum period of two years expressed in terms of leave on half average salary, subject to the conditions that leave will not extend beyond the date on which he completes 25 years' total service as aforesaid unless he has previously applied for leave in sufficient time to take it before his compulsory retirement and has been refused owing to the exigencies of the public service, and that in no case will leave extend beyond six months from that date.

(G. I., F. D., No. F-373-C. S. R.-26, dated 27th November 1926, Dy. G. I.-320.)

(7) (a) A Chaplain in receipt of leave salary who desires to accept a benefice in the United Kingdom or to take up other employment must obtain the previous permission of the Secretary of State in Council or of the Government of India according as his leave is taken out of or in India.

(b) Should he, after duly obtaining such permission, accept a benefice, his Indian appointment will be deemed vacant on the expiry of any leave which may have been granted to him unless before the expiry of his leave he shall have resigned the benefice after having first obtained the consent of the Secretary of State and of the Bishop of the Diocese or the Presbytery in which the benefice is situated, to his doing so. No extensions of leave will, in any circumstances, be granted to a Chaplain drawing leave salary who has accepted a benefice in the United Kingdom, unless he has resigned the same before the expiry of such leave with the consent before mentioned.

(8) These rules, so far as they relate to leave salary, shall apply retrospectively to all leave taken by the Bishops of Lahore, Rangoon, Lucknow and Nagpur or by Chaplains after 30th November 1919, provided that as regards leave taken between 1st December 1919 and 1st January 1922 the leave salary shall be that admissible under the European Services Leave Rules subject to the minima set out in the Chaplains' Leave Rules in the Civil Service Regulations.

A Chaplain on leave which was granted before 7th June 1923 shall receive leave salary at the rate admissible at the time his leave was granted if such rate is higher than that admissible under the Fundamental Rules.

(G. I., Department of Education, Healths and Lands, No. 237, dated 3rd August 1923, received with G. I., F. D., Memo. No. 1411-C. S. R., dated 13th August 1923, Dy. G. I.-175.)

130. The Secretary of State for India in Council has decided that those Chaplains of the Indian Ecclesiastical Establishment who were already on leave on the 7th June 1923 may be regarded as coming

under the operation of the new Chaplains leave rules with effect from that date.

(India Office letter No. P. & J. 2638-24, dated 22nd July 1924, copy received with G. I., F. D., No. F.-221-C. S. R., dated 20th November 1924, Dy. G. I.-265.)

131. When a Chaplain has been on leave prior to retirement for one year an allowance of Rs. 500 per mensem should be allowed to the Metropolitan as a grant-in-aid for a substitute. This is admissible in the case of all the dioceses in which the reduction of Chaplains has not yet been completed, subject to the modification that the allowance should be at the rate of Rs. 300 instead of Rs. 500 a month if the chaplains on leave actually retired and their appointments were reduced.

(India Office No. P. & J.-1277-23, dated 26th May 1925, copy received with G. I., F. D., No. D.-5193-Ex-25, dated 21st July 1925, Dy. G. I.-162.)

**F. R. 95.** 132. The orders in paragraph 4 of Government of India, Finance Department, letter No. 1079 C. S. R., dated 26th October 1921, grant a concession only to those Government servants who under Fundamental Rule 58 are permitted to exercise the option of remaining subject to the old rules. Chaplains were not allowed the option of remaining under the old Civil Service Regulations rules and as the new leave rules for Chaplains on the Indian Ecclesiastical Establishment which were given effect to from the 7th June 1923 were subsequently promulgated under the Government of India, Department of Education, No. 237, dated 3rd August 1923, and not along with the general rules of the Fundamental Rules which came into force from 1st January 1922, the provisions of paragraph 4 of Government of India, Finance Department, letter No. 1079-C. S. R., dated the 26th October 1921, are not applicable to Chaplains.

The question of regarding the grant to Chaplains of concessions analogous to those granted to Government servants to whom Fundamental Rule 58 applies is under the consideration of the Government of India but pending the receipt of their orders the Fundamental Rules must be applied as they stand.

(A. G.'s No. T-114 & A-135-24, dated 1st August 1924, Dy. C. G.-324.)

**F. R. 97.** 133. An officer who is appointed either substantively or temporarily to a post of Governor or Member of an Executive Council counts his service in that post for subsequent leave under the leave rules applicable to the service to which he belongs, and the pay drawn during the period he is so employed is taken into account in the calculation of the leave salary under the ordinary rules.

(A. G.'s No. 674-A-397-25, dated 26th-27th November 1925, Dy. C. G.-421.)

**F. R. 100.** 134. A question having arisen as to the date up to which a Governor, who was granted leave under the Leave of Absence Act and proceeded on leave without formally making over charge of his office to his successor, should be regarded as on duty, the Government of India have decided that, unless the actual circumstances of the case otherwise

indicate, an out-going Governor should be regarded as on duty until he has left the limits of his Province.

(A. G.'s No. 525-A-214-25, dated 12th September 1925, Dy. C. G.-356.)

135 (a) In the case of military officer who is lent to a civil department for the performance of a specific duty, his term of service under the civil authorities terminates on the completion of such duty, and any leave for which he may then apply will be granted by the military authorities with reference to his status as a military officer.

(b) In the case of a military officer who is lent to a civil department for a fixed period, and who is desirous of taking leave prior to the termination of that period, leave will be granted, within the period for which his services have been lent to the civil department, with reference to the applicant's status as a civil officer, even though he does not return to his civil appointment on the expiry of his leave.

(c) In the case of a military officer lent to a civil department for a fixed period, who applies before the expiry of the term of his civil employment for leave which will extend beyond the period of such term, the whole period of leave will be granted by the civil authorities, after consultation with the military authorities, the portion antecedent to the expiry of the term of civil employ being granted with reference to the officer's status as a temporary civil officer and the balance with reference to his status as a military officer. In such cases the officer's service under the civil department will be held to terminate not at the commencement of his leave, but on the completion of the period for which his services were originally lent to the civil department.

G. I., H. D., Resn. No. 102-119, dated 24th January 1907, received with G. I., F. D., No. 8576, dated 27th February 1907, Dy. G. I.-333 and G. I., H. D., telegram No. F-50-11-25—Police, dated 16th July 1925, copy received with Local Government's No. A. R-174-3957-58-A.P., dated 12th August 1925, Dy. L. G.-1410.)

NOTE—Under the proviso in Fundamental Rule 100 leave under sub-clause (ii) of clause (a) of that Rule may not be granted to an officer, except when he is holding substantively a permanent post for a fixed term, unless the local Government is prepared to re-employ him immediately upon the termination of the leave. As the grant of leave to a Military officer in Civil employ during a portion of which he will be on leave from his regimental appointment often involves questions not only of the grant of leave to other regimental officers but also of the amount of pay of the officer during leave, it is desirable that the Military authorities should invariably be consulted in these cases as required by Rule (c) of the rules laid down in the Home Department Resolution No. 102-119, dated the 24th January 1907, referred to above. It is, therefore, necessary that, before officers who are in civil employ for a fixed term are granted leave for a period extending beyond that term, the concurrence of the Military authorities should be obtained by direct communication with the General Officer Commanding the District in which the officer's unit is serving at the time and that a copy of the letter to the General Officer Commanding should, at the same time, be endorsed to the Military Secretary, Army Headquarters, for information.

(G. I., H. D., letter No. F-210-25-Ests., dated 15th September 1925, to the Govt of Assam received with L. G.'s Memo. No. Apptt.-1331-4691-A. P., dated 29th September 1925, Dy. L. G.-1897.)



136. A Provincial Government may not grant to Military Officers holding appointments of limited tenure under it, leave on average pay under Fundamental Rule 100 extending beyond the term of the officers' tenure of Civil appointment even though the Military authorities may agree to its grant. If the officer concerned wants leave after he is due to revert, he must ask the Military authorities to grant it in continuation, if necessary, of leave sanctioned by the civil employer.

(G. I., F. D., No. F-314-C. S. R.-26, dated 11th October 1926, Dy. G. I.-268.)

*Model Leave terms for officers engaged on contract.*

**F. R. 104.** 137. Where the contract is for one year or less, no leave except on medical certificate (on average or half average pay), which would ordinarily be limited to two months reckoned in terms of leave on average pay.

(2) Where the contract is for more than one year and less than three years, leave on average pay up to 1-11th of the period spent on duty, to which may be added on medical certificate leave on average or half average pay, provided that the total leave granted shall not exceed three months reckoned in terms of leave on average pay.

(3) Where the contract is for three years or over, leave on average pay up to 1-11th of the period spent on duty, up to a maximum of four months at a time, to which may be added on medical certificate leave on average or half average pay.

In the case of officers coming under Rules 2 and 3 :—

- (a) Three months' extraordinary leave without pay may be granted in addition to the above, and
- (b) If the officer is in a Vacation Department, leave may only be granted in case of urgent necessity and if granted shall be on half average pay for a period not exceeding 1-11th of the period spent on duty in addition to any leave admissible on medical certificate. The officer may, however, be granted leave on leave salary equivalent to average pay, to the extent of one month for each year on duty in which he has not availed himself of any part of a vacation.

In cases where—

- (a) the contract is for a longer term than 5 years, or
- (b) an original contract for 5 years is extended, or
- (c) on completion of his original contract of whatever term, a Government servant is taken into permanent employment, the ordinary or special leave rules, as the case may be, as contained in the Fundamental Rules, will be made applicable.

Leave may be granted after the expiry of contract only where it has been applied for during the period of the contract and refused owing to the exigencies of the public service. An officer whose services are dis-

pensed with on grounds of ill health shall be permitted to take all leave due to him before his service is terminated.

(G. I. F. D. No. F. 31-C. S.R.-24, dated 11th October 1924  
14th November 1924, Dy. G. I.-255.)

NOTE.—The principle that leave may be granted after the expiry of contract where it has been applied for during the period of the contract and refused owing to the exigencies of the public service is applicable also to officers who were already serving on contract at the time the model leave terms were promulgated.

(G. I. F. D. No. F-89-C. S. R.-25, dated 22nd April 1925, Dy. G. I.-71.)

NOTE 2.—The model terms are intended to be applied in the case of Government servants engaged on contract in the United Kingdom or to those who, though residing in India at the time of engagement on contract, originally came out from the United Kingdom for employment in India.

(G. I. F. D. No. F-19-C. S. R. 25, dated 26th June 1925, Dy. G. I.-132.)

NOTE 3.—Where an original contract is extended so as to make the total period of service longer than 5 years the officer in question shall be brought under the ordinary or special leave rules as the case may be, as contained in the Fundamental Rules.

(India Office letter No. F.-1403-26, dated 7th April 1926, received with G. I. F. D. No. F-62-C. S. R.-26, dated 28th April 1926, Dy. G. I.-70.)

## Chapter XI.—Joining time.

**F. R. 105.** 138. If vacation is combined with leave, joining time should be regulated under clause (b) (i) of Fundamental Rule 105 if the total period of leave and vacation combined is of less than 4 months' duration and under clause (c) if the leave out of India and vacation combined is more than 4 months.

(A. G.'s No. 849-A-231-23, dated 4th August 1923, Dy. C. G.-298.)

**F. R. 107.** 139. During the time taken in receiving charge on transfer the relieving officer should draw the transit pay until the transfer is complete.

(A. Gr. No. 55-Admn.-458-26, dated 12th January 1927, Dy. C. G.-556.)

## Chapter XII.—Foreign Service.

**F. R. 109.** 140. Fundamental Rule 109 lays down that Government servants transferred to Foreign Service prior to the 1st January 1922, will remain subject to the rules in force at the time of transfer. This rule applies only to the original period for which their services were transferred beginning before and terminating after the 1st January 1922. Any further extension should be treated as a fresh transfer and governed by the Fundamental Rules. The same principle will apply as to the date from which the new rates of contribution will apply as prescribed in Government of India, Finance Department, No. 64-E. B., dated 27th January 1922. The terms of extensions commencing after the 1st

January 1922 already sanctioned, will not be affected by this order unless the foreign employer was specifically warned of the liability to revision.

(G. I. F. D. No. 1391-C. S. R., dated 17th August 1923, Dy. G. I.-183.)

141. This rule applies to those Government servants only who are transferred to foreign service after 1st January 1922 ; those transferred previously remaining subject to the rules in force at the time of transfer. Government servants of the latter class are, however, entitled to take the benefit of the new rules, and will be adjudged to have elected to do so, if they do not exercise the option given by Fundamental Rule 58. To cover cases in which such Government servants come under the new leave rules the Government of India have decided—

- (1) that their pay in foreign service shall be treated as pay for the purposes of calculating leave salary, and
- (2) that the existing obligations of foreign employers to pay a portion of leave allowance during privilege leave, shall be held to continue during the first 4 months of any period of leave on average pay.

(G. I. F. D. Resn. No. 35-E. B., dated the 18th January 1922.)

**F. R. 110.** 142. In accordance with paragraph 4 of the announcement made by the Secretary of State on the 5th July 1922 regarding premature retirement, officers on leave preparatory to retirement on proportionate pensions can take up private employment in India with the specific consent of the Governor General in Council, and similar employment elsewhere than in India with the specific consent of the Secretary of State in Council. The request for such permission must be accompanied by a definite request for permission to retire at the expiry of the leave.

The Government of India have now decided with the approval of the Secretary of State to apply for the present and until further orders the orders contained in paragraph 4 of the announcement to officers on leave preparatory to retirement on ordinary pensions.

The Secretary of State holds that the employment in trading concerns in India of officers who are on leave preparatory to retirement, is *prima facie* open to grave objection and should be permitted only in very exceptional cases. All applications to take up private employment with trading concerns in India while on leave preparatory to retirement, which may be received from officers in India who are on leave preparatory to retirement or who are contemplating premature retirement in India should be very carefully examined and forwarded to the Government of India with a full expression of the views of the Local Governments.

The principle underlying the above orders applies to all services, but the sanction of the Government of India is required only in the case of members of the all-India services. No reference to the Government

of India is necessary in the case of persons appointed by the Local Government or any lower authority.

(G. I. H. D. No. F. 244-Public, dated 21st August 1922, received with A. G.'s No. 3415-E—226-23, dated 2nd August 1923, Dy. C. G.-293; G. I. H. D. No. F. 244-5-Public, dated 12th February 1923, received with A. G.'s No. 1062-E—226-23, dated 1st March 1923, Dy. C. G.-888; G. I. H. D. No. F. 261-23-Public, dated 4th June 1923, received with A. G.'s No. 2750-E—226-23, dated 19th June 1923, Dy. C. G.-187.)

NOTE.—The Secretary of State has suggested that applications from officers to take up private employment with trading concerns in India while on leave preparatory to retirement should be carefully examined and that if granted they should in most, if not in all, cases be subject to the condition of immediate retirement. While dealing with such applications, the question of immediate retirement should invariably be considered before the permission asked for is granted and the views of the Local Government specifically communicated to the Government of India on this point.

(G. I. H. D. letter No. F-261 II-23-Public, dated 31st July 1923, received with A. G.'s No. 4033-F—226-23, dated 15th September 1923, Dy. C. G.-400.)

**F. R. 111.** 143. The transfer of a temporary Government servant to foreign service is permissible.

(G. I. F. D. No. F-66-C. S. R., dated 22nd July 1924, Dy. G. I.-153.)

**F. R. 112.** 144. The service of an officer employed under an Indian State while on leave preparatory to retirement on proportionate pension if he be permitted to accept such employment, should be treated as being private employment, unless in any special case the circumstances are such that the Government of India think it right to treat the officer as one for whom an alternative career has been found by them. In the latter case the officer would not be on leave, the service should be treated as foreign service counting for pension, contribution should be taken from the state concerned, and the proportionate pension should remain in suspense.

The cases of the officers about to retire on ordinary pension should be treated on similar lines, *i.e.*—

(a) in the usual case (*e.g.*, that of an officer who has reached or is approaching the age of superannuation) the officer, notwithstanding his employment in an Indian State, with the permission of the Government of India, should be allowed to take any leave which would be admissible to him had he not accepted such employment, and pension contribution should not be required.

(b) in exceptional cases, which in the opinion of the Government of India justify such a course, acceptance of the employment might be made conditional on the officer remaining in their service and being placed on the usual foreign service terms.

(*Vide* S. of S. despatch No. 4-Financial, dated 22nd February 1923, received with G. I. F. D. No. 602-C. S. R., dated 20th April 1923, Dy. G. I.-44.)

NOTE.—The above order regarding the application of foreign service rules to officers accepting employment under an Indian State while on leave preparatory to retirement, applies to all foreign service and not only to service in an Indian State.

(G. I. F. D. No. 957-C. S. R., dated 13th June 1923, Dy. G. I.-113.)

NOTE 2.—A question was raised whether the words 'with your permission' occurring in paragraph 2 (a) of the Secretary of State's Despatch No. 4-Financial, dated 22nd February 1923 (Dy. G. I.-44 of 1923-24) have any real meaning or, on the analogy of the orders issued in the Government of India, Home Department, letter No. F-261-23-Public, dated 4th June 1923 (Dy. C. G.-187), Local Governments can grant permission to officers of other than all-India Services to take up employment in an Indian State while on leave preparatory to retirement. The Auditor General has agreed with the view of the Government of India that the necessary permission can be granted by Local Governments.

(A. G.'s No. 1044-A—338-23, dated 15th October 1923, Dy. C. G.-464 and G. I. H. D. No. 261-3-23-Public, dated 1st October 1923, received with G. I. F. D. No. 1881-C. S. R., dated 11th October 1923, Dy. G. I.-241.)

NOTE 3.—The sanction of the Local Government is sufficient in the case of officers who were appointed by them, or by any lower authority, and who desire after retirement to accept directorships, partnerships or agencies of, or employment by any company or firm or individual engaged in commercial business or associated with the management of land in India, and no reference to the Government of India is necessary in such cases. In a case in which a retired officer was appointed by one Government and his proposed employment lies in the jurisdiction of another the decision will rest with the latter Local Government after consultation with the former.

(G. I. H. D. No. F. 679-24-Public, dated 6th September 1924, received with A. G.'s No. 4404-E—1128-24, dated 18th October 1924, Dy. C. G.-480.)

145. An Assistant Secretary to a Local Government was granted leave preparatory to retirement and was permitted to take up an appointment under a Municipal Commission during the leave. In paragraph (2) of his despatch No. 4-Fl., dated 22nd February 1923, the Secretary of State suggested that service in an Indian State during leave preparatory to retirement should be treated as private employment, i.e., the officer who has reached or is approaching the age of superannuation notwithstanding his employment in an Indian State, should be allowed to take leave which would be admissible to him had he not accepted such employment and pension contribution should not be required. This suggestion was accepted by the Government of India in their Circular letter No. 602-C. S. R., dated 26th April 1923. The Secretary of State's despatch referred to employment in an Indian State specifically. The question for decision is whether the employment of Mr. P. under a Municipal Commission can be regulated according to the principle laid down in the Secretary of State's despatch in question, and whether that principle can be held to apply to all foreign service, without a further reference to the Secretary of State. The Auditor General has decided that no further reference to the Secretary of State is necessary for reasons given by him.

(A. G.'s No. 701-A—189-23, dated 8th June 1923, Dy. C. G.-166.)

146. The calculation of leave salary and Foreign Service contributions in the case of officers transferred to Foreign Service prior to the

introduction of the Fundamental Rules, who remain under the Foreign Service Rules in the Civil Service Regulations but have elected to come under the new (Fundamental) leave rules should be made as follows :—

- (1) The leave salary should be based on the actual pay in Foreign Service where the contribution is paid by the Foreign employer in addition to the officer's pay.
- (2) The concession of determining leave salary on the basis of pay-drawn in Foreign Service does not affect the provision of Article 766, Civil Service Regulations, under which contributions are levied on assumed pay as distinct from pay drawn in Foreign Service.

(A G.'s No. 975-A—352½-23, dated 17th September 1923, Dy. C. G.-399 and Dy. Rec I. -293.)

**F. R. 114. 147.** The following orders have been issued by the Governor General in Council under Fundamental Rule 114 in regard to the pay, the amount of joining time admissible and the pay admissible during joining time in the case of officers transferred to foreign service in an Indian State :—

- (1) When the transfer of a Government servant to foreign service in an Indian State is sanctioned, the pay which he shall receive in such service, must be precisely specified in the order sanctioning the transfer. If it is intended that he shall receive any remuneration, or enjoy any concession of pecuniary value, in addition to his pay proper, the exact nature of such remuneration or concession must be similarly specified. No Government servant will be permitted to receive any remuneration or enjoy any concession which is not so specified ; and, if the order is silent as to any particular remuneration or concession, it must be assumed that the intention is that it shall not be enjoyed.
- (2) No order of transfer to foreign service shall be issued by a local Government without previous consultation with its Finance Department. It shall be open to that Department to prescribe, by general or special order, cases in which its consent may be presumed to have been given.
- (3) The following two general principles must be observed by local Governments in sanctioning the conditions of transfer :—
  - (a) The terms granted to the Government servant must not be such as to impose an unnecessarily heavy burden on the Indian State which employs him.
  - (b) The terms granted must not be so greatly in excess of the remuneration, which the Government servant would receive in Government service as to render foreign service appreciably more attractive than Government service.

(4) Provided that the two principles laid down in paragraph 3 above are observed, a local Government may sanction the grant of the following concessions by the foreign employer. Such concessions must not be sanctioned as a matter of course, but in those cases only in which their grant is in accordance with the local custom and the wishes of the Darbar and is, in the opinion of the local Government, justified by the circumstances. The value of the concessions must be taken into account in determining an appropriate rate of pay for the Government servant in foreign service :—

(a) The payment of contributions towards leave salary and pension under the ordinary rules regulating such contributions.

(b) The grant of travelling allowance under the ordinary travelling allowance rules of the local Government or under the local rules of the Darbar, and of permanent travelling allowance, conveyance allowance and horse allowance.

(c) The use of State tents, boats and transport on tour, provided that this is accompanied by a corresponding reduction in the amount of travelling allowance admissible.

(d) The grant of free residential accommodation, which may be furnished, in cases in which the local Government considers this to be desirable, on such scale, as may seem proper to the local Government.

(e) The use of State motors, carriages and animals.

(5) The grant of any concession not specified in paragraph 4 above, requires the sanction of the Governor General in Council.

(G. I. F. D. No. 1360-E. B., dated 10th December 1921.)

**F. R. 117. 148.** The following rates of contribution payable on account of pension and leave-salary have been laid down by the Government of India :—

(a) *For Indian Civil Service Officers.*—For pension only 25 per cent. of pay actually drawn in foreign service.

(b) *For Indian Civil Service Officers.*—For pension and leave salary only 40 per cent. of pay actually drawn in foreign service.

(c) *For Military Officers.*—For leave-salary and pension only 40 per cent. of pay actually drawn in foreign service. (Provisional).

These rates came into force with effect from 27th January 1922 and will be leviable in the case of officers of the Indian Civil Service who are transferred to foreign service on or after that date.

(G. I. F. D. No. 64-E. B., dated 27th January 1922, Dy. G. I. 323.)

149. The Government of India have fixed the following rates of contributions for services other than the Indian Civil Service:—

(a) For officers of all-India services (other than the Indian Civil Services) and corresponding Central Services—

When leave-salary is paid by Government . . . .	30 per cent.
When leave-salary is paid by Foreign employer . . . .	$\frac{1}{8}$ ths.

(b) For other officers in superior services—

When leave-salary is paid by Government . . . .	25 per cent.
When leave-salary is paid by Foreign employer . . . .	$\frac{1}{8}$ th.

These rates have effect from the 27th January 1922.

It has also been decided that contributions should be calculated on actual pay in foreign service subject to the following maxima—

Indian Civil Service and Military Officers . . . . .	Rs. 3,000 per month.
Officers of other all-India Services and Central Services . . . . .	Rs. 2,500 per month.

(G. I. F. D. No. F-81-C. S. R., dated 4th August 1924.)

150. The Governor General in Council has decided that in the case of officers transferred to foreign service after 28th February 1924, to whom the Fundamental Rules do not apply, the rules regarding contributions, leave salary and pension shall be the same as those applicable to Government servants whose employment on foreign service is governed by the Fundamental Rules. For the purpose of this ruling, a transfer to foreign service includes an extension of the term of employment of an officer who is already on foreign service.

(G. I. F. D. Resn. No. 323-C. S. R., dated 28th February 1924)



## PART II.—COMPANION TO SUPPLEMENTARY RULES.

### Travelling Allowances.

**S. R. 17. 151.** The Government of India have decided that for purposes of travelling allowance the classification of an officiating Government servant who has no substantive appointment under Government should be regulated by his pay.

(A. G.'s No. 655-A.—143-23, dated 19th May 1923, Dy. C. G.-117.)

152. The expression "actual pay" in Supplementary Rule 17, as revised in Government of India, Finance Department Resolution No. 854-C. S. R., dated the 29th May 1923, was deliberately used and includes all emoluments drawn under Fundamental Rule 9 (21) (a) (i), (ii) and (i).

The special rates of mileage and daily allowances laid down in Appendices 18 and 25 to the Civil Service Regulations override the ordinary rates in the Civil Service Regulations, and as these appendices have been declared in the Resolution to continue in force for the present, they equally override the rates sanctioned by the Local Governments.

(G. I., F. D., No. 1213-C. S. R., dated 18th July 1923, Dy. G. I.-142.)

153. The Government of India have amended the supplementary rules regarding travelling allowances with effect from 1st June 1923. The special classification under Appendix 18, Civil Service Regulations, and the special higher rates of daily allowance under Appendix 25, Civil Service Regulations, will continue in force so far as officers whose pay is debited to Central Revenues and who are not under the administrative control of a Governor in Council acting as agent of the Governor General in Council, are concerned.

The Government of India have decided that the revised rules promulgated with Government of India, Finance Department, Resolution No. 854-C. S. R., dated 29th May 1923, apply not only to Government servant who are subject to the Fundamental Rules but to all whose travelling allowances are regulated under the civil rules.

(G. I., F. D., No. 1169-C. S. R., dated 10th July 1923, Dy. G. I.-133.)

**S. R. 51 (b). 154.** A Government servant under the administrative control of the Central Government entitled to a special rate of daily allowance under Appendix 25, Civil Service Regulations, may, in lieu of that special rate, draw the rate prescribed under Rule 51 (b) of the Supplementary Rules if the latter be more favourable, and in regulating the rates prescribed under Rule 46 (b), the conditions and the restrictions, if any, prescribed by Local Governments for drawing such allowances should also be held to apply.

(A. G.'s No. 417-A.—122-24, dated 2nd July 1924, Dy. C. G.-250.)

**S. R. 51 (c).** 155. In respect of halts at Calcutta and Bombay, Supplementary Rule 51 (c) permits the drawal of daily allowance at double the ordinary rates. The rates of daily allowance given in Appendix 25 to the Civil Service Regulations are special and as such Supplementary Rule 51 (c) does not permit the drawal of double the rates given therein. But whenever the special rate of daily allowance given in Appendix 25 to the Civil Service Regulations is lower than double the rate admissible under Supplementary Rule 51 (a) the latter is admissible.

(A. G.'s No. 1003-A.—353-23, dated 27th September 1923, Dy. C. G.-425.)

*Admissibility of daily allowance to a Government servant on tour during casual leave and on a Sunday or public holiday spent at headquarters.*

**S. R. 72.** 156. A Government servant who takes casual leave while on tour is not entitled to draw daily allowance during such leave.

(2) A Government servant who during the course of his tour returns temporarily to headquarters on a Sunday or a public holiday to attend to his private business is not entitled to draw daily allowance for the Sunday or holiday unless he is actually, and not merely constructively, in camp.

(G. I., F. D., No. F.-85-C. S. R.-26, dated 13th March 1926, Dy. G. I.-10.)

**S. R. 76-A.** 157. No daily allowance in addition to the mileage allowance is admissible to an officer under Rule 76-A of the Supplementary Rules, when the day of arrival and day of departure happens to be the same.

(A. G.'s No. 1182-A.—452-23, dated 28th November 1923, Dy. C. G.-575.)

**S. R. 108.** 158. The rules relating to travelling by sea or river are intended to govern only journeys within the limits of Indian waters and should be applied in audit accordingly. The term "Indian Waters" is intended to cover journeys to and from Indian ports and beyond sea-stations administered by the Government of India, *viz.*, Aden, the Andamans and Burma, in accordance with the definition of the term "Indian Waters" in the Army Regulations, India, Volume X (Passage).

(A. G.'s Nos. 380-A.—185-22, dated 10th March 1923, Dy. C. G.-903 and 175-A.—57-24, dated 22nd February 1924, Dy. C. G.-787.)

**S. R. 116 (a) I (iii).** 159. Heads of Departments under the administrative control of the Central Government may allow a Government servant on transfer, who for valid reasons carries his personal effects by road between stations connected by rail, actual expenses up to the limit of the amount which would have been admissible, had he taken the maximum number of maunds by goods train.

(G. I., F. D., No. F.-207-C. S. R.-26, dated 2nd August 1926, Dy. G. I.-169.)

16). The actual cost of the carriage of personal effects up to the limits mentioned in this rule should be paid at the owner's risk rate.

(G. I., F. D., No. F.-50-C. S. R.-24, dated 15th September 1924, Dy. G. I.-204 and the A. G.'s No. 601-A.—119-24, dated 15th September 1924, Dy. C. G.-420.)

161. If a Government servant carries his personal effects by passenger, instead of by goods train, he may be permitted to draw the actual cost of carriage up to a limit of the amount which would have been admissible had he taken the maximum number of maunds by goods train.

(G. I., F. D., No. F.-207-C. S. R.-26, dated 28th June 1926, Dy. G. I.-113.)

162. It has been decided by the Government of India that in cases where a Government servant is transferred from station A to station B and is again transferred within a reasonably short time to another station C, he may be allowed under Supplementary Rule 116 (a) I (iii) to recover the cost of carriage of personal effects from station A to station C, subject to the conditions (i) that the total weight carried from station B to station C and from station A to station C does not exceed the maximum limit prescribed in the Rule and (2) that the total cost of transporting the effects from station A to station B, from station B to station C and from station A to station C does not exceed the amount admissible from station A to station B, *plus* that admissible from station B to station C.

(G. I., F. D., No. F.-294-C. S. R.-25, dated 7th October 1925, copy received with Accountant General's No. 590-A.—308-25, dated 23rd October 1925, Dy. C. G.-426.)

**S. R. 116 (a) I (iv) (2).** 163. The authority competent to allow officer under the control of the Central Government the concession laid down in Supplementary Rule 116 (a) I (v) (2) is the Head of the Department. The audit officer will bring to the notice of the Government of India any case in which he considers that the privilege has been abused.

(G. I., F. D., No. F.-148-C. S. R., dated 14th November 1921, Dy. G. I.-256.)

**S. R. 116 (a) I (iv) (3).** 164. Having regard to the railway rule that Motor Cycles are not carried by goods train unless they are crated, the Government of India in the Finance Department have decided that freight by passenger train should be taken as the "actual cost" for the purpose of Supplementary Rule 116 (a) I (iv) (3) in respect of Motor Cycles.

(A. G.'s No. 698-A.—212-24, dated 2nd November 1924, Dy. C. G.-528 of 1924-25.)

**S. R. 116 (b) (iii).** 165. Travelling allowance under Supplementary Rule 116 (b) (iii) should be regulated with reference to the actual facts at the time of the journey in respect of which the travelling allowance is claimed.

(A. G.'s No. 636-A.—200-24, dated 14th October 1924, Dy. C. G.-472.)

**S. R. 124.** 166. Travelling allowance under Supplementary Rule 124 is admissible to an officer who is transferred to a new station while on leave on average pay in excess of 4 months when the excess over 4 months is covered by the war concession referred to in the note to Fundamental Rule 81.

(A. G.'s No. 44-A.—9-23, dated 17th January 1924, Dy. C. G.-682.)

*Leave earned by temporary service.*

**S. R. 286.** 167. The words "interruption of duty" in Supplementary Rule 286 should be interpreted as "cessation of employment in Government service" and the proviso in Article 370, Civil Service Regulations, to the effect that the particular temporary office in which service was rendered must eventually have been made permanent is no longer applicable. The interruption of duty referred to in Article 420 (d), Civil Service Regulations, is an interruption while that referred to in Article 420 (g) is not an interruption within the meaning of Supplementary Rule 286.

(A. G.'s No. 64-A.—205-22, dated 17th January 1923, Dy. C. G.-762.)

*Honoraria.*

**S. R. App. III. Entry No. 4.** 168. The fact that the word "fee" is not included in column 3 of Appendix III in the abbreviated "nature of powers", does not take away from the competent authority the power to sanction the acceptance of a fee from a source other than general revenues, vested in him under Supplementary Rule 9.

(A. G.'s No. 1149-A.—444-23, dated 14th-16th November 1923, Dy. C. G.-552.)

## PART III.—APPENDICES.

## APPENDIX A.

## INDIA OFFICERS' RATES OF ALLOWANCES.

*Travelling, etc., Allowances of Civil officers serving under the Secretary of State, the Government of India, or the High Commissioner for India when on duty in Europe or America.*

The pay of officers serving under the Government of India who may be deputed to work in Europe or America is governed by Fundamental Rule 51.

An officer who elects to consume leave on average pay during a period of duty out of India may be granted an honorarium equal to one-sixth of his Indian pay for the period in question. He will be eligible for Compensatory or Travelling Allowances in addition under the rules below as if drawing pay under Fundamental Rule 51.

The following regulations have been approved to govern the grant, under the authority of the Secretary of State for India, of travelling and other allowances. They do not apply to cases governed by special rules, e.g., study leave, forest tours, etc. They take effect from 1st. October 1924 and are subject to review from time to time.

*Section I.—Classification of officers.*

1. For the purposes of these rules officers are divided into classes as under :—

(a) Indian services—According to the classification in Supplementary Rule 17 to the Fundamental Rules.

(b) Officers serving under the Secretary of State or the High Commissioner—

*First class.*—Administrative and higher executive officers.

*Second class.*—Other executive and clerical officers.

*Third class.*—Other officials.

2. Military officers, etc., if paid at civil rates, are classified under these rules as follows :—Commissioned officers first class, warrant officers second class, other ranks third class. If paid at military or naval rates their allowances are governed by Army or Navy Regulations.

*Section II.—Compensatory Allowance.*

3. Subject to the provisions of Rules 4 and 5, officers who are sent from India on deputation may be granted a compensatory allowance at the following rates from date of their landing to date of re-embarkation for India :—

1st class, 16s. 8d. a day ; 2nd class, 12s. 6d. a day ; 3rd class, 8s. 4d. a day.

4. If an officer is permitted to take leave during his deputation, or to delay his embarkation for India at the conclusion of his deputation by taking leave, payment of compensatory allowance will cease during the period of absence.

5. An officer who is eligible for a compensatory allowance under this section may be granted halting allowance under Section IV in lieu thereof, if to his advantage, in respect of necessary absences on duty away from headquarters.

6. Officers placed on deputation while on leave in this country may be granted a compensatory allowance at the rates prescribed in Rule 3 if they can show that they are put to extra expense in the matter of accommodation through being placed on duty. They will draw halting allowance in lieu thereof in respect of necessary journeys on duty away from headquarters.

*Section III.—Travelling Expenses.*

7. Travelling expenses when admissible are granted as follows where actually incurred :—

*First class.*—First class railway or steamer fare.

*Second class.*—Second if available, otherwise third.

*Third class.*—Third class.

8. In the case of cross-channel passages second class officers may travel first class and third class officers second.

9. Only the cost of return tickets is allowed when such can be taken.

10. An officer unless instructed otherwise is expected to take up his headquarters at his place of work, and will not be refunded the cost of journeys (other than the first and last) between his home or place of residence and his headquarters.

11. Necessary incidental expenses, such as taxi or cab fares, motor hire, etc., may be passed by the Accountant General, India Office, or the Chief Accounting Officer to the High Commissioner at their discretion. The extra cost of sleeping berths or seats in pullman cars will not be allowed elsewhere than in America without the sanction of the Secretary of State in Council or the High Commissioner.

12. An officer ordered to travel by the overland route to or from India on duty may be granted, in addition to travelling expenses, an inclusive sum of £1 as travelling allowance for the journey between Marseilles and the United Kingdom.

*Section IV.—Halting Allowance.*

13. Officers travelling on duty in the United Kingdom may, when away from headquarters, draw in addition to travelling expenses under Section III halting allowance at the rates shown in the following table. These rates are not intended to meet the whole cost of subsistence when absent from home or headquarters, but only the extra expenses necessarily incurred though such absences.

**A.—UNITED KINGDOM.**

Class.	Rate 1.	Rate 2.	*Rate 3.	*Rate 4.
	(First 14 nights.)	(After 14 nights.)	(Journey of not less than 4 miles each way involving absence from headquarters or over.)	(Journey of not less than 4 miles each way involving absence from headquarters of between 5 and 10 hours.)
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
1	25 0	15 0	5 0	3 6
2	18 9	10 0	3 6	2 6
3	12 6	7 6	2 9	2 0

\* These rates are not admissible in conjunction with rates 1 and 2.

**B.—PLACES ABROAD.**

	Class 1.	Class 2.	Class 3.
	£ s. d.	£ s. d.	£ s. d.
America . . . . .	2 10 0	1 17 6	1 5 0
Europe (and the Near East) . . . . .	1 15 0	1 6 9	0 17 6

14. The rates prescribed in Rule 13 for places abroad will not ordinarily be admissible for more than one month in any one place. They may be varied in the case of attendance at Imperial and International Conferences, etc.

15. No halting allowance can be drawn for any period during which an officer is entertained at the expense of the State or where subsistence is otherwise provided, e.g., on board ship.

## ANNEXURE TO

### INDIA OFFICE TRAVELLING, ETC., ALLOWANCES RULES.

#### *Section I.—Classification of officers.*

1. In case of doubt the Head of a Department may decide the classification of an officer.

#### *Section II.—Compensatory Allowance.*

2. With reference to Rule 6, if an officer's residence is at a distance from his headquarters and he is committed to its occupation, Heads of Departments may at their discretion sanction the cost of railway travelling (at season ticket rates if possible) between such residence and headquarters, provided that this course will not cost more to Government than the grant of compensatory allowance under Rule 6 and that it will not interfere with the officer's duty.

#### *Section III.—Travelling Expenses.*

3. In case of doubt the Head of a Department may decide what is an officer's headquarters.

4. With reference to Rule 10 see remarks above under Section II.

#### *Candidates.*

5. Candidates for appointments who appear before Selection Committee or Medical Boards are not ordinarily entitled to their expenses for such attendance. In the following cases, however, third class railway fares are admissible:—

(a) Candidates already in the public service of this country.

(b) Persons possessing technical or other special qualification for an appointment who are invited to an interview by this office.

(c) Where the Board of Education or other public body or expert authority employed to select an officer, desires expenses to be granted where the status of the officer is such that he would be granted railway fare of higher class than third if he were in the service of the Secretary of State, the Government of India or the High Commissioner, and the circumstances of the case seem to require this concession, the Head of a Department may at his discretion allow such higher fare.

6. In other special cases expenses may be granted upon the authority of Heads of Departments within the limits of their powers of sanction.

7. Mechanics and other persons of similar status may, in addition, be granted the amount of any wages forfeited by them for attendance at this office under the orders of the Head of the Department.

*Officers undertaking work at their own request.*

8. In cases where officers on leave undertake work at their own request, a refund of actual and necessary expenses may be granted, subject to the sanction of the Secretary of State in Council or the High Commissioner where such duty involves travelling but no other expenses (*e.g.*, hotel bills) or allowances are admissible, unless this is specifically recommended by the officer's Local Government or the Government of India, as the case may be.

(Copy of letter from Under Secretary to the Government of India, Finance Department, to all Provincial Governments, No. F.-220-C. S. R., dated 14th November 1924, Dy. G. I.-310, G. I., F. D., No. F.-220-C. S. R.-24, dated 6th February 1925, Dy. G. I.-333.)

NOTE.—Civilian officials ordered to attend at the India Office for examination by the India Office Medical Board shall be allowed a refund of railway fares for journeys within the United Kingdom according to the class to which they are entitled. Subsistence allowance will not be granted and no refund of hotel expenses will be allowed.

(G. I., F. D., No. F.-116-C. S. R.-25, dated 18th April 1925, Dy. G. I.-53.)



## APPENDIX B.

*Rules for the grant of additional leave to Government servants for the Study of Scientific, Technical or similar Problems, or in order to undertake special Courses of Instruction, and also for grant of permission to undertake continental tours.*

(A) The following rules relate to study leave only. They are not intended to meet the case of Government servants deputed to other countries at the instance of Government, either for the performance of special duties imposed on them or for the investigation of specific problems connected with their technical duties. Such cases will continue to be dealt with on their merits under the provisions of Rules 50 and 51 of the Fundamental Rules. The rules apply to the Archæological Department, the Public Health and Medical Research Departments (other than as regards officers of the Indian Medical Service to whom special rules apply), the Botanical Survey (including the officers of the Royal Botanic Garden, Calcutta), the Civil Veterinary Department, the Factory Department, the Geological Survey, the Agricultural Department, the Meteorological Department, the Railway Department (Traffic, Locomotive and Engineering Branches), the Telegraph Department, the Zoological Survey, the Education Department, the Public Works Department and the Forest Department (except in respect of continental tours, to which special rules apply). The rules also apply to Government servants selected for the Judicial Branch of the Indian Civil Service who are admitted to the benefit of the rules for the assistance of Government servants prosecuting legal studies at one of the Inns of Court, London, or the King's Inns, Dublin, for the period when they are reading in the Chambers of a practising Barrister in England, but in their case study leave should not ordinarily be granted after the twelfth year of service. The rules may be extended by the authorities empowered to sanction study leave under Rule 1 to any Government servant, including a Government servant of a Provincial Service, not belonging to any of the departments mentioned above, in whose case the sanctioning authority is of opinion that leave should be granted in the public interests to pursue a special course of study or investigation of a scientific or technical nature.

NOTE.—The extension of these rules to the Public Works and Railway Departments does not affect the existing rules under which Government servants are allowed to visit engineering works when on leave in Great Britain.

*Rule 1.*—The powers granted by these rules to the Government of India or to Local Governments may be delegated by them to the High Commissioner for India, subject to any condition they may think fit to impose.

1-A. Extra leave on half average pay for the purpose of study leave may be taken either in or outside India. It may be granted to a Government servant of any of the departments named above by the Local Government or Chief Commissioner under whom he is serving, provided that when a Government servant borne permanently on the cadre of one province or department is serving temporarily in another province or department the grant of leave is subject to the conditions (a) that the sanctioning authority can make local arrangements to carry on his work in his absence, and (b) that the sanction of the province or department to which he is permanently attached is obtained before leave is given. Study leave should not ordinarily be granted to Government servants of less than five years' service or to Government servants within three years of the date at which they have the option of retiring, or, if they have the option of retiring after 20 years' service, within three years of the date at which they will complete 25 years' service. Nor should it be granted to Government servants who are about to retire on proportionate pension.

NOTE.—Departments of the Government of India may grant study leave to Government servants under their administrative control, subject to the restrictions which apply to the powers of a Local Government.

2. The grant of study leave should be made with due regard to the exigencies of the public service. In no case should the grant of this leave, in combination with leave other than extraordinary leave or leave on medical certificate, involve an absence of over 28 months from a Government servant's regular duties, or exceed two years in the whole period of a Government servant's service, nor should it be granted with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave. A period of 12 months at one time should ordinarily be regarded as a suitable maximum, and should not be exceeded save for exceptional reasons.

3. A Government servant whose study leave is combined with any other kind of leave should be required to take his period of study leave at such a time as to retain, at its conclusion, a balance of other previously sanctioned leave sufficient to cover the period spent in returning to duty.

4. When a Government servant has been granted a definite period of study leave and finds subsequently that his course of study will fall short of the sanctioned period to any considerable extent, his absence from duty should be reduced by the excess period of study leave unless he produces the assent of the sanctioning authority in India to his taking it as ordinary leave.

5. Except as provided in Rule 6, all applications for study leave should be submitted with the audit officer's certificate to the Head of the Department through the prescribed channel, and the course or courses of study contemplated and any examination which the candidate proposes to undergo should be clearly specified therein.

6. Government servants on leave in Europe or America who wish to have part of it converted into study leave, should address the High Commissioner for India and should attach (1) a statement showing how they propose to spend the study leave, and (2) documentary evidence that their application for the particular course of study or examination proposed has the approval of the proper authorities in India. Similarly, Government servants on leave in Europe or America who desire to have it extended for purposes of study, should address the High Commissioner, but in addition to the above requirements they must support their applications with documentary evidence of their having obtained the approval of the authorities concerned in India to their applying for an extension of leave.

7. A study allowance will be granted for the period spent in prosecuting a definite course of study at a recognised institution or in any definite tour of inspection of any special class of work, as well as for the period covered by any examination at the end of the course of study. The rates as at present fixed are 12s. a day in the United Kingdom, £1 a day on the Continent of Europe, and 30s. a day in the United States of America. These rates are liable to revision. The rate to be granted to Government servants who take study leave in other countries including India, will be specially considered by the Government of India or the Local Government as the case may be, in each case. In no case will subsistence allowance be granted in addition to study allowance and ordinarily travelling expenses will not be paid, but in exceptional cases claims will be considered on their merits by the Government of India or the Local Government.

8. Study allowance will be admissible up to 14 days for any period of vacation. A period during which a Government servant interrupts his course for his own convenience cannot be considered as vacation. In the case of a Government servant retiring from the service without returning to duty after a period of study leave the study allowance will be forfeited. If the Government servant is under civil leave rules the study leave will be converted into ordinary leave standing to his credit at the date of retirement. Any balance of the period of study leave mentioned above which cannot be so converted will be excluded in reckoning service for pension.

9. Government servants granted study leave are ordinarily required to meet the cost of fees paid for courses of study. In exceptional cases will the Govern-

ment of India or the Local Government, as the case may be, be prepared to consider proposals that such fees should be paid by Government.

10. On completion of a course of study a certificate on the proper form (which may be obtained from the High Commissioner), together with certificates of examinations passed or of special study, shall, when the study leave has been taken in Europe or America, be forwarded to the High Commissioner. When the study leave has been taken in any other country certificates of examinations passed or of special study, which should show the dates of commencement and termination of the course, with any remarks by the instructor, shall be forwarded to the authority which sanctioned the leave. In the case of a definite course of study at a recognised institution the study allowance will be payable by the High Commissioner or in India, as the case may be, on claims submitted by the Government servant from time to time, supported by proper certificates of attendance. When the programme of study approved under Rule 5 does not include or does not consist entirely of such a course of study, the Government servant shall submit to the sanctioning authority in India, a diary showing how his time has been spent, and a report indicating fully the nature of the methods and operations which have been studied, and including suggestions as to the possibility of applying such methods or operations to India. The sanctioning authority in India will decide whether the diary and report show that the time of the Government servant has been properly employed, and will determine accordingly for what period the study allowance referred to in Rule 7 may be granted.

11. Study leave will count as service for promotion and pension, but not for leave. It will not affect any leave which may already be due to a Government servant; it will count as extra leave on half average pay and will not be taken into account in reckoning the aggregate amount of leave on half average pay taken by the Government servant towards the maximum period admissible under the Fundamental Rules.

12. During study leave a Government servant will draw half average pay as defined in Rule 9 (2) of the Fundamental Rules, subject to the maxima and minima laid down in Rules 89 and 90, *ibid.* The rate of exchange prescribed by the Secretary of State in Council for the conversion of leave salary (other than that admissible during the first four months of a period of leave on average pay) shall apply to study leave allowances. A Government servant may, subject to the approval of the proper authorities being obtained as required by Rule 5 or 6, undertake or commence a course of study during leave on average pay, and, subject to paragraphs 7 and 8, draw study allowance in respect thereof, provided that study allowance is not drawn for an aggregate period exceeding two years during the whole of a Government servant's service. This rule applies to military officers in civil employment taking leave under the Fundamental Rules.

13. On an application for study leave in Europe or America being sanctioned by the Government of Madras, Bombay or Bengal, the Local Government should inform the High Commissioner of the particulars of the case. When such leave is sanctioned by any other Local Government or Administration a report should be made to the Government of India, who will inform the High Commissioner. It will be necessary for the Government servant concerned to place himself in communication with the High Commissioner, who will arrange any details and issue any letters of introduction that may be required. In all cases in which study leave in any other country is sanctioned the particulars should be reported to the Government of India.

NOTE 1.—The Secretary of State has decided that extraordinary leave may be taken in conjunction with study leave without regard to the maximum prescribed in Rule 2 above.

(G. I., F. D., Resn. No. F-20 (2) C. S. R.-25, dated 4th February 1925, Dy. G. I.-345; G. I., F. D., No. F-3—11-C. S. R.-26, dated 18th January 1926, Dy. G. I.-378 and No. F-3—11-C. S. R. 26, dated 6th February 1926, Dy. G. I.-427.)

NOTE 2.—The amount of study leave in the case of Civil Assistant Surgeons should be limited to one year as in the case of Indian Medical Service officers. Their study allowance will be regulated in accordance with the rates laid down in paragraph 7 above.

(G. I., Deptt. of Edn., Health and Lands, No. 180-Health, dated 9th February 1925, received with G. I., F. D., No. F.-214-C. S. R., dated 17th February 1925, Dy. G. I.-349, L. G.'s No. 2138-F., dated 12th March 1925, Dy. L. G.-363.)

NOTE 3.—A Military officer in civil employ taking study leave under military rules will draw the furlough pay admissible to him under those rules; if on combined leave he may be permitted to commence a course of study before the end of his privilege leave; and draw for such period the study allowance admissible under Rule 7 of the Study Leave Rules, without forfeiture of privilege leave allowances, the full amount of study leave taken being, for all purposes of record and subsequent calculation of leave, post-dated as if it commenced at the end of the privilege leave.

(G. I., F. D., No. F-20 (4)-C. S. R.-25, dated 23rd March 1925, Dy. G. I.-47.)

NOTE 4.—The study leave rules are not intended to be applied to cases of non-gazetted Government servants under the administrative control of the Governor General in Council or serving in a Chief Commissioner's Province. Any proposal to extend the rules in exceptional cases to such officers should be referred to the Government of India for orders.

(G. I., F. D., No. F.-20—III-C. S. R.-25, dated 15th April 1925, Dy. G. I.-72.)

(B) The following are the regulations regarding the grant of Study Leave to officers of the Indian Medical Service who are subject to the Leave Rules under Sections I to V of Chapter X of the Fundamental Rules:—

1. Extra leave for the purpose of study may be granted by the Government of India or by Local Governments to officers of the Indian Medical Service on the recommendation of the Director-General, Indian Medical Service. The powers granted by these rules to the Government of India or to Local Governments may be delegated by them to the High Commissioner for India, subject to any condition they may think fit to impose.

2. The period of such study leave will be calculated at the rate of one-twelfth of the same service as qualifies for leave under Rules 77 and 78 of the Fundamental Rules, up to a total in any case of 12 months in all during an officer's service.

3. Study leave may be taken at any time, but an officer who retires, except on account of ill-health, not later than three years from the date of return to India after taking study leave, shall be liable to the cancellation of any benefits which he has received under these rules in respect of that study leave, and to the refund of any additional monies received under them.

4. The minimum period of study which will render an officer eligible for study leave shall be two months.

5. The minimum period of leave granted solely as study leave shall be six months. Time spent on the journey to and from India by an officer whose study leave is not combined with any other kind of leave will reckon as study leave, but the allowance specified in Rule 10 will not be granted during the period of the journey. An officer whose study leave is combined with any other kind of leave will, however, be required to take his period of study leave at such a time as to retain, at its conclusion, a balance of other previously sanctioned leave sufficient to cover his return journey to India. When an officer has been granted a definite period of study leave and finds after arrival in England that his course of study will fall short of the sanctioned period to any considerable extent, his absence from India will be reduced by the excess period of study leave unless he produces the assent of the authorities in India to his taking it as ordinary leave.

b. Study leave can be combined with any other kind of leave, provided that the period occupied in study is not less than two months, and, in the case of leave granted on medical certificate, that the Medical Board at the India Office certifies that the officer is fit for study. The total period of absence from duty will be strictly limited to the period prescribed by the Leave Rules to which an officer is subject.

7. Except as provided in Rule 8, all applications for study leave shall be submitted for approval, with the Audit Officer's certificate, to the Director-General, Indian Medical Service, through the prescribed channel; and the course or courses of study contemplated, with details as to institutions at which study will be undertaken, details of commencement and termination of each course, and any examination the candidate proposes to undergo, shall be clearly specified therein. A copy of the approved programme of study will be forwarded by the Director-General, Indian Medical Service, to the Secretary to the High Commissioner for India, General Department. If it is not possible for an officer to give full details, as above, in his original application, or if, after arrival in England, he wishes to make any changes in the programme which has been approved by the Director-General, Indian Medical Service, he should immediately on arrival in England apply to the Secretary to the High Commissioner for India, General Department, for a form on which to submit the required particulars. In such cases the officer should not, unless prepared to do so at his own risk, commence his course nor incur any expenses in connection therewith, until he receives approval to the course through the High Commissioner.

8. Officers on leave who wish to have part of the leave converted into study leave or to undertake a course of study during leave, should before commencing study and before incurring any expenses in connection therewith, submit a programme of their proposed course of study to the Secretary to the High Commissioner for India, General Department, on a form which can be obtained on application to the General Department, Office of the High Commissioner for India. The programme should be accompanied by an official syllabus of the course, if one is available, and by any documentary evidence that the particular course or examination has the approval of the authorities in India. In the absence of such evidence the programme may, if approved, be proceeded with, but no study leave allowance will be admissible until the concurrence of the authority in India concerned is received. Similarly, officers on leave who desire to have it extended for purposes of study should address the Secretary to the High Commissioner for India, but in addition to furnishing a statement of the proposed study they must support their applications with documentary evidence of their having obtained the approval of the authorities concerned in India to their applying for an extension of leave. They must also produce documentary evidence of the concurrence of the authority in India concerned to the grant of study leave and for study allowance.

9. An officer may be permitted to undertake or commence a course of study during leave on average pay and draw study allowance in respect thereof, provided that study allowance is not drawn for an aggregate period exceeding 12 months during the whole of an officer's service.

10. For the course of study, a study allowance, at present fixed at 12s. a day in the United Kingdom, £1 a day in the Continent of Europe and £1-10s. in the United States of America, will be admissible. These rates are liable to revision. No payment in respect of study allowances will be made until the satisfactory certificates, as required by Rule 12, are furnished on the completion of the course of study.

(a) It is to be understood that in order to qualify for the grant of study leave or for the receipt of study allowance a definite course of post-graduate study at a recognised institution, or of study ordinarily associated with post-graduate work, which must be approved as suitable by the Director-General, Indian Medical Service, or by the Medical Adviser to the Secretary of State for India, and which will occupy the time of the officer for a minimum of five days a week and five hours a day, must be pursued. Courses of study intended for students preparing for their primary medical qualifications will not be approved.

(b) This allowance will not be admissible to an officer who retires from the service without returning to duty in India after a period of study leave, and is liable to be refunded under Rule 3 above in the case of retirement, otherwise than on account of ill-health, within three years of return to India.

(c) Periods not exceeding 14 days of vacation or interval between two courses of study may, at an officer's option, be treated as study leave, in which case the study allowance will be issued. Alternatively such periods may be taken as ordinary leave, in which case study allowance will not be issued. If such periods exceed 14 days, the excess will be treated as ordinary leave without study allowance.

(d) No course of study will be recognised as study leave for the purpose of the allowance or for any other purpose unless the course of study has been approved in accordance with paragraphs 7 and 8 above.

**11. The rate of pay admissible during study leave is as follows:—**

Half average pay subject to the maxima and minima prescribed in Rules 89 and 90 of the Fundamental Rules. The rate of exchange prescribed by the Secretary of State in Council for the conversion of leave salary (other than that admissible during the first four months of a period of leave on average pay) shall apply to these allowances.

12. On completion of a course of study, a certificate on the proper form (which may be obtained from the Office of the High Commissioner), together with any certificates of special study, should be forwarded to the Secretary to the High Commissioner, General Department, who will arrange for the transmission of copies of the documents to the Director-General, Indian Medical Service. Officers may also be called upon to report themselves in person to the Medical Adviser to the Secretary of State, on the conclusion of their course of study.

13. Study leave will count as service for promotion and pension, but not for leave. It will not affect any leave which may already be due to an officer, and will not be taken into account in reckoning the aggregate amount of leave taken by an officer towards the maximum period admissible under Rule 81 of the Fundamental Rules.

*Regulations regarding the grant of Study Leave to Officers of the Indian Medical Service*  
(a) in temporary civil employ whose leave is regulated under Military Rules, (b) in military employ.

The Indian Medical Service Study Leave Rules for the time being in force under Fundamental Rule 84 apply to these officers with the following modifications. The numeration of paragraphs is that of the Rules under Fundamental Rule 84.

2. The period of study leave will be calculated at the rate of one-twelfth of pension service subject to the prescribed total.

6. The total period of leave granted in the first instance (study leave combined with any other leave) will not exceed one year.

7. "Under Secretary of State, Military Department, India Office," is substituted for "Secretary to the High Commissioner for India, General Department," wherever the expression occurs.

8. "Under Secretary of State, Military Department, India Office," is substituted for "Secretary to the High Commissioner for India, General Department," wherever the expression occurs. In the case of officers in military employment the consent of the authorities in India will be necessary for the extension of leave but not for the conversion of ordinary leave into study leave or for the issue of study leave allowance.

9. An officer who is at home on combined leave may be permitted to commence a course of study before the end of his privilege leave and to draw for such period the study allowance admissible under Rule 10 without forfeiting his privilege leave allowances. For all purposes of record and subsequent calculation of leave, the

full amount of study leave taken shall in such cases be post-dated as if it had commenced at the end of the privilege leave.

11. The rate of pay admissible during study leave is the rate of leave pay admissible under the Military Leave Rules.

12. "India Office" and "Under Secretary of State, Military Department, India Office," are substituted for "Office of the High Commissioner" and "Secretary to the High Commissioner, General Department."

(G. I., Army (Medl.) Deptt., Notifn. No. 890, dated 9th July 1926, pages 800-802.)

(C) Study Leave Rules of Military Assistant Surgeons in Civil employ are detailed below :—

#### *Regulations.*

1. Study leave up to a total period of 12 months in an Assistant Surgeon's service is admissible. It is granted on the recommendation of the Director-General, Indian Medical Service.

2. The period of such leave is calculated at the rate of one-twelfth of pension service.

3. All applications for study leave from Assistant Surgeons in India must be submitted, with the audit officer's certificate of eligibility, to the Director-General, Indian Medical Service, for approval through the prescribed channel. The application should state the course of study contemplated and any examinations proposed to be taken.

4. On the completion of a course of study in the United Kingdom, a certificate on the proper form (which may be obtained from the India Office), together with any certificates of special study, should be forwarded to the Under Secretary of State, India Office, who will arrange for the transmission of copies of the documents to the Director-General, Indian Medical Service. In the case of Assistant Surgeons who have undergone a course of study in India, the certificates referred to above will be forwarded through the principal of the institution concerned. No certificates of study qualifying for study leave will be accepted unless approval of the course of study has been previously obtained.

5. Study leave allowance at the rate of 4 shillings a day out of India and Rs. 50 a month in India is admissible during the course of study and for the period of any examination held at the end of any course. It is granted on production of the certificate required by rule 4, showing that a definite course of study at a recognised institution has been pursued. The allowance is admissible up to 14 days for any period of vacation. The period for which an Assistant Surgeon interrupts his course for his own convenience is not counted as vacation.

The allowance is not admissible to an Assistant Surgeon while studying for an arts examination. It is only admissible while he is undertaking study which is of a purely medical nature.

6. When an Assistant Surgeon has been granted a definite period of study leave and finds after arrival in the United Kingdom that his course of study will fall short of the sanctioned period to any considerable extent, his absence from India will be reduced by the excess period of study leave unless he produces the assent of the authorities in India to his taking it as ordinary furlough.

7. Study leave can be combined with any other kind of leave, provided the period admissible and occupied in study is not less than two months out of India or one month in India. The study leave should be taken at such a time as to leave at its conclusion a balance of the previously sanctioned leave sufficient to cover the return journey to India.

8. The minimum period of study, which will render an Assistant Surgeon eligible for study leave, will be two months out of, or one in, India. The minimum period

of leave granted solely as study leave will be six months out of, and six weeks in, India. Time spent on the journey to, from, and in India, by an Assistant Surgeon whose study leave is not combined with any other kind of leave, will reckon as study leave, but the allowance specified in rule 5 will be granted during the period of actual study of medical subjects and of the examination, if any, at its conclusion.

9. Assistant Surgeons on furlough in the United Kingdom who wish to have part of their furlough converted into study leave, should address the Under Secretary of State, India Office, and should furnish a statement detailing the proposed course of study for previous approval. If an extension of furlough is required, the statement of the course of study proposed must be accompanied by documentary evidence of the approval of the authorities in India to the application for extension of furlough.

10. An Assistant Surgeon who is at home on combined leave may be permitted to commence a course of study before the end of his privilege leave and to draw for such period the allowance admissible under rule 5 without forfeiting his privilege leave allowances during such period.

For all purposes of record and subsequent calculation of leave, the full amount of study leave taken shall, in such cases, be post-dated, as if it commenced at the end of the privilege leave.

11. In the case of an Assistant Surgeon retiring from, or resigning, the service without returning to duty, or within one year of his return to duty, after a period of study leave, the allowance authorised in rule 5 will be forfeited.

12. The rates of pay admissible to Assistant Surgeons while on study leave will be as follows :—

Out of India	.	.	.	.	.	.	.	Furlough pay.
In India	.	.	.	.	.	.	.	Grade pay.

13. An Assistant Surgeon on leave on medical certificate in the United Kingdom, who wishes to undertake a course of study, must first obtain a certificate from the medical board at the India Office that he is fit for study. This certificate and a statement of the proposed course of study must be submitted to the Medical Adviser, India Office, for approval.

14. Study leave counts as service for promotion and pension, but, except so far as it may be taken during privilege leave, it will not count for furlough or any other leave. It will not affect any leave already due and will not be reckoned in the aggregate amount of furlough admissible under the regulations.

(G. I., F. D., No. F.-3-C. S. R.-26, dated 8th January 1926, Dy. G. I.-347.)

(D) The following are the Rules under which selected officers of the Forest Department in India may be authorised to devote portions of their leave to the study of Forestry on the Continent of Europe at the public expense.

1. A Forest officer desirous of obtaining permission to study Forestry under these rules must submit an application to the Local Government through the conservator under whom he is serving.

2. The Local Government will forward the application to the Government of India with the remarks of the conservator and its own recommendations in the case.

3. The Government of India will require to be satisfied that the officer applying is likely to profit by the additional experience which he will gain by continental study, and that he possesses sufficient knowledge of the language of the country which it is proposed that he should visit.

4. The application should reach the Government of India not less than 2 months before the officer concerned proposes to depart from India on leave. It should state the purposes of the proposed tour and, as far as may be possible, localities which it is proposed to visit.



5. Officers on leave out of India, who wish to avail themselves of the privileges conferred by these rules, should address the Secretary to the High Commissioner for India, General Department, 42, Grosvenor Gardens, London, S. W. 1, giving the information mentioned in the preceding rule.

6. If the application is sanctioned before the officer concerned leaves India, he will on arrival in England report at the office of the High Commissioner, General Department. The details of the tour will then be arranged under the orders of the High Commissioner.

7. The maximum period which an officer will be allowed to spend on study under these rules, will be limited to 3 months at one time. Ordinarily no officer will be permitted to avail himself of the privilege granted by these rules on more than two occasions in the course of his service. At the end of any period of study the officer concerned will submit to the office of the High Commissioner a diary showing how his time was spent and a report which should indicate fully the nature of the operations studied. The High Commissioner will decide whether the diary and the report show that the time of the officer has been properly employed and will determine accordingly for what period the daily allowance admissible under rule 8 may reasonably be granted.

8. An officer permitted to avail himself of the privilege granted by these rules will be paid through the office of the High Commissioner the cost of 1st class return tickets by rail and steamer from London to the places which he may be required to visit. He will also, subject to the preceding rule, be granted a daily allowance on such scale as the Secretary of State may fix from time to time, during the period of study. The rate as at present fixed is £1 a day on the Continent of Europe, but is liable to revision. Forms for the submission of claims for travelling and subsistence allowances will be supplied by the office of the High Commissioner, General Department, to which claims should be submitted for payment.

9. The reports, notes and drawings submitted by an officer may not, without the previous permission of the Government of India, be communicated to any professional journal or institution; and the Government of India will be at liberty to print, publish or circulate them, should they think fit to do so.

NOTE.—Permission to carry out tours under these rules will not be granted to any officer who, being in a position to retire, does not undertake not to do so voluntarily until three years after his return to duty.

(G. I., Deptt. of Rev. and Agriculture, Resn. No. 407, dated 30th March 1922, and G. I., Deptt. of Edn., Health and Lands, Resn. No. 229, dated 21st March 1925, Dy. G. I.-385.)

(E) The following is the procedure for grant of permission to Public Works Department officers on leave to visit at public expense engineering works in the United Kingdom and elsewhere:—

The Secretary of State in Council has decided to assign to the High Commissioner for India the business of arranging visits to engineering works in the United Kingdom and elsewhere on the part of officers of the Public Works Department, and of paying the travelling expenses incurred in the course of such visits, and has laid down the following principles for conducting this business:—

- (i) Officers whose service does not exceed 12 years are entitled to apply to the High Commissioner direct for permission to visit engineering works at the public expense.
- (ii) Officers of over 12 years' service should make their application in the first instance to the Local Government under which they are employed, and, if the application is supported by the Local Government and the Government of India, it will be forwarded to the High Commissioner by the Government of India with a request that the necessary arrangements may be made.

(iii) An applicant should state what particular works he proposes to visit. After completing his tour of inspection he will be required to forward to the High Commissioner, for transmission to his Local Government, a report or paper of notes on the works examined embracing more especially his views as to the applicability to India of works of a similar description.

(iv) If the report appears to the High Commissioner satisfactory, the officer concerned will be reimbursed his *bona fide* travelling expenses, not however including hotel bills. For this purpose, the report should be accompanied by full and detailed particulars of expenses incurred in travelling to and from the works visited, supported if possible, by complete and detailed vouchers for all items of expenditure.

(G. I., Deptt. of Industries and Labour (P. W. Branch), No. E.-45, dated 14th December 1925, received with G. I., F. D., No. F.-33—XXX-C. S. R.-25, dated 22nd December 1925, Dy. G. I.-345.)